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**A C T S**  
**AND**  
**R E S O L V E S**

**PASSED BY THE**

**General Court of Massachusetts,**

**IN THE YEAR**

**1 8 5 6 :**

**TOGETHER WITH THE MESSAGES,**

**ETC., ETC., ETC.**

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**PUBLISHED BY THE**  
**SECRETARY OF THE COMMONWEALTH.**

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**B O S T O N :**  
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1856 Jan 6  
of the Hon  
Thomas D. Fiske  
Secretary of the Commonwealth  
of Massachusetts

**The General Court of 1856 assembled in the State House in Boston, on Wednesday, the second day of January, and was prorogued on Friday, the sixth day of June.**

**The oaths of office were administered to His Excellency, HENRY J. GARDNER, on the third day of January.**

GENERAL STATUTES  
AND  
SPECIAL ACTS  
OF  
MASSACHUSETTS,  
1856.

AN ACT establishing a Probate Court in North Andover, in the County of *Chap. 1.*  
*Essex.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The probate court now required to be holden in Andover, in the county of Essex, on the second Tuesday in February in each year, shall hereafter be holden in North Andover in said county, and the act requiring a court of probate to be holden in North Andover, on the third Tuesday in January annually, is hereby repealed. Probate court established. Act repealed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, January 12, 1856.*]

AN ACT continuing the Tremont Insurance Company.

*Chap. 2.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Tremont Insurance Company in the city of Boston, is hereby continued a body corporate for the purpose of closing its affairs, till the first day of July which will be in the year of our Lord eighteen hundred and fifty-seven. Corporation continued.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, January 26, 1856.*]



**Chap. 3.** AN ACT to change the Name of the Cochituate Fire Insurance Company, of Boston.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

**Name changed.** SECT. 1. The Cochituate Fire Insurance Company, of Boston, shall hereafter be called and known by the name of the City Fire Insurance Company.

**When to take effect.** SECT. 2. This act shall take effect from and after its acceptance by the stockholders in said company: *provided*, the meeting for that purpose be held within three months from the passage of this act. [*Approved by the Governor, January 31, 1856.*]

**Chap. 4.** AN ACT in addition to an Act to establish a Police Court in the Town of Pittsfield.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

**Special justices to act in case of vacancy.** SECT. 1. Whenever it shall happen that the office of standing justice of the police court in Pittsfield, established by the three hundred and tenth chapter of the acts of the year eighteen hundred and fifty, shall become vacant, the special justices of said court, or either of them, shall have power while such vacancy exists, to act in the same manner as they are now authorized to act under the provisions of the ninth section of said act establishing said court; and such special justices or justice, for services rendered under the provisions of this act, shall be paid in the same manner that the standing justice would have been paid, and such sums as said standing justice would have been entitled to receive for the like services.

**To apply to existing vacancy.** SECT. 2. The provisions of this act shall apply to any now existing vacancy in the office of standing justice of said court.

**Inconsistent acts repealed.** SECT. 3. Any thing in the provisions of the act to which this act is in addition, inconsistent with the provisions of this act, is hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, January 31, 1856.*]

## AN ACT to incorporate the Salem Marine Insurance Company.

## Chap. 5.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. John Bertram, William D. Pickman and Edward D. Kimball, their associates and successors, are hereby made a corporation for the term of twenty years from the passage of this act, by the name of the Salem Marine Insurance Company, to be established in the city of Salem, for the purpose of making insurance against maritime losses ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and in the four hundred and fifty-third chapter of the acts passed in the year eighteen hundred and fifty-four, and all other general laws which now are or hereafter may be in force relative to marine insurance companies.

SECT. 2. The said corporation shall have a capital of one hundred thousand dollars, divided into shares of one hundred dollars each, and may hold real estate for its own use, not exceeding in value ten thousand dollars.

SECT. 3. The said corporation may commence business when seventy-five thousand dollars of its capital stock shall be paid in.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, February 6, 1856.]

## AN ACT to change the Name of the American Lead Works.

## Chap. 6.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The corporate name of the American Lead Works, in the city of Boston and town of Chelsea, in the county of Suffolk, shall be changed, and the said corporation shall be known and called by the name of the Boston Faucet Company.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, February 6, 1856.]

**Chap. 7.**

AN ACT to incorporate the Universalist Sabbath School Union

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

SECT. 1. John D. W. Joy, Thomas A. Goddard, Nathan K. Noble, Henry B. Metcalf and Henry Blanchard, their associates and successors, are hereby incorporated and made a body politic by the name of the Universalist Sabbath School Union, for the purpose of promoting the Sabbath school cause, and shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Purpose.

Privileges, restrictions, &amp;c.

Real and personal estate not to exceed \$50,000.

SECT. 2. The said corporation may take and hold real and personal estate to an amount not exceeding fifty thousand dollars, for the aforesaid purposes. [*Approved by the Governor, February 6, 1856.*]

**Chap. 8.**

AN ACT authorizing an increase of the Capital Stock of the Lawrence Gas Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Capital increased \$100,000.

How invested.

SECT. 1. The Lawrence Gas Company are hereby authorized to increase their capital stock, by adding thereto one hundred thousand dollars, and to invest such portion thereof in real and personal estate, as may be necessary and convenient for carrying on the business for which said company was incorporated.

No shares issued under par.

SECT. 2. No stock, issued under this act, shall be issued for a less sum than the par value of the original shares.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 6, 1856.*]

**Chap. 9.**

AN ACT to incorporate the Home Mutual Fire Insurance Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Term.

Purpose.

Privileges, restrictions, &amp;c.

SECT. 1. William B. Calhoun, William Rice, George W. Rice, their associates and successors, are hereby made a corporation by the name of the Home Mutual Fire Insurance Company, to be established in the city of Springfield, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and

restrictions, set forth in the four hundred and fifty-third chapter of the general laws of the Commonwealth of Massachusetts, passed April twenty-ninth, eighteen hundred and fifty-four, and all other laws of this Commonwealth applicable to mutual fire insurance companies.

SECT. 2. This act shall take effect whenever the Hampden Fire Insurance Company shall, by a vote of a majority of the members thereof, abolish the mutual department of said company, in accordance with an act passed March thirty-first, eighteen hundred and fifty-five, and shall have deposited a certified copy of said vote in the office of the Secretary of this Commonwealth. *[Approved by the Governor, February 9, 1856.]* When to take effect.

AN ACT to establish the Salaries of the Justices of the Supreme Judicial Court. *Chap. 10.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. From and after the first day of January, of the year one thousand eight hundred and fifty-six, the chief justice of the supreme judicial court shall receive an annual salary of forty-five hundred dollars; and each of the associate justices of said court shall receive an annual salary of four thousand dollars; and the said salaries shall be paid in quarterly payments out of the treasury of the Commonwealth, and in the same proportion for any part of a quarter. Salaries established.

SECT. 2. All acts and parts of acts inconsistent herewith, are hereby repealed. *[Approved by the Governor, February 9, 1856.]* Inconsistent acts repealed.

AN ACT to change the Name of the South Congregational Society, of Woburn, and authorize it to hold Property. *Chap. 11.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The South Congregational Society of Woburn, shall hereafter be called and known by the name of the First Congregational Society of Winchester, and all debts due to or from said South Congregational Society of Woburn, may be sued for and collected, in the same manner as if this act had not been passed. Name changed.

SECT. 2. Said society may hold real and personal estate, or either, to an amount not exceeding fifty thousand dollars. Real and personal estate not to exceed \$50,000.

Proviso.

lars: *provided*, the income thereof shall be applied to parochial purposes, except so much of said income as may be needed to pay the principal and interest of any sums of money which may be hired on mortgage of the real estate of said society, or otherwise.

Acts confirmed and made valid.

SECT. 3. All acts and things done by the said South Congregational Society of Woburn, under the name of the Winchester Congregational Society, which would have been valid and legal, if done in their rightful corporate name, are hereby confirmed and made valid.

Acceptance of act.

SECT. 4. The meeting of said society for the purpose of acting upon the acceptance of this act shall be called agreeably to the provisions of the twentieth chapter of the Revised Statutes.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 9, 1856.*]

**Chap. 12.** AN ACT to continue in force an Act to incorporate the Haverhill Mutual Fire Insurance Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Act extended.

The statute of the year of our Lord one thousand eight hundred and thirty-one, chapter fifty, incorporating the Haverhill Mutual Fire Insurance Company, passed February nineteenth, eighteen hundred and thirty-one, shall be continued and remain in full force for the term of twenty years from and after the nineteenth day of February eighteen hundred and fifty-nine: *provided*, that said company shall be subject to all the duties, liabilities and obligations, and entitled to all the privileges set forth in the forty-fourth chapter of the Revised Statutes, the four hundred and fifty-third chapter of the statutes of eighteen hundred and fifty-four, and all other general laws which may be hereafter enacted relating to mutual fire insurance companies. [*Approved by the Governor, February 9, 1856.*]

Duration.

Powers, duties, &c.

**Chap. 13.** AN ACT in addition to an Act to establish a Police Court in the Town of Chicopee.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Justice may retain fees, &c.

SECT. 1. The justice of said court shall be allowed to retain to his own use, for his services in criminal prosecutions, all fees by him received for said services: *provided*,

Proviso.

that he shall not retain for said services a sum exceeding six hundred dollars annually, and all fees received by him over and above that sum for services in criminal prosecutions, he shall pay over to the county treasurer.

SECT. 2. That portion of section fifth, chapter four hundred and sixty-three of statutes of eighteen hundred and fifty-five, which is inconsistent with the first section of this act, is hereby repealed. Part of act repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 13, 1856.*]

AN ACT to Protect the Fisheries in Ipswich River.

Chap. 14.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The inhabitants of the town of Ipswich, in Essex county, may, at any time between the first day of April and the first day of June, (Sundays excepted,) take alewives from Ipswich River in said town, with dip nets, and at no other time. Fishing with dip nets limited.

SECT. 2. No person shall, between the first day of April and the first day of June, set, draw or stretch any seine or drag net, in any of the waters in Ipswich River, within the limits of said town. Seine fishing prohibited.

SECT. 3. Any person who shall offend against the provisions of either of the foregoing sections of this act, shall, for each and every offence, forfeit the sum of one hundred and fifty dollars, one-half thereof to the use of the complainant, and the other half to the use of the town. Forfeit for violating, &c.

SECT. 4. All acts and parts of acts inconsistent with this act, are hereby repealed. Inconsistent acts repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, February 13, 1856.*]

AN ACT to extend the time for constructing a Highway across Mystic River. Chap. 15.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The time in which the county commissioners for the county of Middlesex, may construct a road and bridge across Mystic River in the town of Medford, according to an act passed April twelfth, in the year of our Lord one thousand eight hundred and fifty-four, authorizing and empowering them so to do, is hereby extended two years from Time for constructing road extended



the twelfth day of April, in the year of our Lord, one thousand eight hundred and fifty-six.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 13, 1856.*]

*Chap. 16.*

AN ACT to incorporate Simpson's Patent Dry Dock Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

SECT. 1. James E. Simpson, Charles J. Morrill, George Callender, their associates and successors, are hereby made a corporation by the name of Simpson's Patent Dry Dock Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes.

Privileges, restrictions, &c.

May purchase lands, docks, flats, &c.

SECT. 2. Said company shall have power to purchase and hold, in fee simple or otherwise, all, or any part of the tract of land, wharves, dry docks, or flats, known as Simpson's Dry Docks, and situated on Marginal Street, in that part of Boston called East Boston, and now owned by said James E. Simpson, Morrill, Callender, and others, and portions of which were conveyed by said Simpson to said Morrill, Callender and others, by deeds dated on the tenth day of December last past, with all the privileges and appurtenances to said premises belonging, and with all the property and machinery thereon: and the said company may also purchase and hold, in fee simple or otherwise, any other lands, wharves, docks, or flats, in that part of Boston called East Boston, for the purpose of erecting thereon dry docks, on the plan of said Simpson's Dry Docks at East Boston: *provided*,

Proviso.

May construct wharves, docks, &c.

the whole amount of real estate held by said company shall not exceed two hundred and fifty thousand dollars. And the said company, within the limits of, or upon said lands at East Boston, or upon any and all lands that may be purchased and held by them as aforesaid, may construct wharves and dry docks, or other docks, and own, manage, control, use and carry on the same as they may deem proper, and lay vessels within, and at the ends and sides thereof, and receive dockage and wharfage therefor; erect any buildings, lay out streets and passage ways, and improve and manage said property as to them shall seem expedient: *provided*, that nothing herein contained shall authorize said company to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises which is not now authorized by law.

Proviso.

SECT. 3. Said company may, at any legal meeting, from time to time, agree upon and fix the number of shares, not exceeding four thousand in all, into which their stock shall be divided, which shares shall be transferable in a book, to be kept by the clerk of the company for that purpose; may, from time to time, assess upon the stockholders such sums of money, not exceeding one hundred dollars on each share, as may be necessary for the purchase, improvement, management, and carrying on of their estate and property; and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of such stockholder as may be sufficient therefor, to be sold, in such manner as said company may, by their by-laws, determine.

Number of shares not to exceed four thousand.  
Shares not to be assessed over \$100 each.  
May be sold for non-payment.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, February 15, 1856.*]

AN ACT to authorize the Beaman Manufacturing Company to increase their capital stock. *Chap. 17.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Beaman Manufacturing Company are hereby authorized to increase their capital stock by an amount not exceeding fifty thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of the company: *provided*, that no shares in the capital stock hereby authorized, shall be issued for a less sum, to be actually paid in on each, than the par value of the shares in the original capital stock of said corporation.

Capital increased \$50,000.  
How invested.  
Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 15, 1856.*]

AN ACT requiring a new promise of an Insolvent Debtor after his discharge, to be in writing. *Chap. 18.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. No promise for the payment of any debt made by an insolvent debtor, who has obtained his discharge from said debt under proceedings in bankruptcy or insolvency, shall be evidence of a new or continuing contract, whereby to deprive any party of the benefit of relying upon his discharge in bar of the recovery of a judgment upon said debt, unless such promise be made by, or contained in, some writing signed by the party sought to be charged.

New promise of payment to be in writing.

Act to have no effect on pending actions, &c.

SECT. 2. This act shall have no effect upon any action now pending, or upon promises made by an insolvent debtor before this act goes into operation. [*Approved by the Governor, February 15, 1856.*]

**Chap. 19.** AN ACT to continue in force an Act to incorporate the Lynn Mutual Fire Insurance Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Act extended.

Duration.

Privileges, restrictions, &c.

SECT. 1. The act to incorporate the Lynn Mutual Fire Insurance Company, passed February the twentieth, in the year one thousand eight hundred and twenty-eight, shall be and remain in force for the term of twenty years from the twentieth day of February, in the year one thousand eight hundred and fifty-six ; and the said corporation shall be continued through that term ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, the four hundred and fifty-third chapter of the statutes of eighteen hundred and fifty-four, and all other statutes which have been, or may hereafter be passed relating to mutual fire insurance companies.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 16, 1856.*]

**Chap. 20.** AN ACT to extend the time for the construction of the Millbury and Southbridge Railroad.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time for construction extended.

The time within which the Millbury and Southbridge Railroad Company may construct the unfinished portions of their railroad, is hereby extended one year from the time now prescribed by law. [*Approved by the Governor, February 16, 1856.*]

**Chap. 21.** AN ACT concerning the Perkins Mills and Dwight Manufacturing Company, and to increase the Capital Stock of the latter.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Dwight Manufacturing Company to issue 1,000 additional shares,

SECT. 1. The stockholders of the Dwight Manufacturing Company, in the town of Chicopee, and county of Hampden, are hereby authorized to create one thousand addi-

tional shares of capital stock of one thousand dollars each, <sup>\$1,000 each, to stockholders of Perkins Mills.</sup> which shares shall be issued to the several stockholders of the Perkins Mills in said Chicopee, in proportion to the number of shares held by each in said Perkins Mills: *pro-* <sup>Provido.</sup> *vided*, that at a legal meeting called for the purpose, the said Perkins Mills shall, by a vote representing two-thirds of the whole number of shares as owned by the stockholders thereof at the time being,—that is to say, by a vote of six hundred and sixty-seven shares,—accept this act, and agree to sell, transfer and assign, their entire property and estate, real, personal or mixed, in whatsoever form or manner existing, together with all their existing rights, privileges and immunities, to the said Dwight Manufacturing Company, as the equivalent of the said one thousand additional shares created by this act, and shall authorize and empower their directors, or a majority of them, to prepare, sign, and execute, acknowledge and deliver, in the name of the said Perkins Mills, any and all deeds of conveyance, or instruments in writing, necessary to fully effectuate such sale and transfer accordingly.

SECT. 2. When such sale and transfer shall have been completed, the charter of the Perkins Mills shall be thereupon cancelled and annulled: *provided*, that for all the purposes connected with the settlement of the affairs of the Perkins Mills, this annulment shall not affect the claims, rights or demands, of said corporation, in law or in equity; but the same shall survive and inure to the benefit and behoof of the Dwight Manufacturing Company: and *pro-* <sup>Perkins Mills charter annulled. Provido.</sup> *vided*, <sup>Provided, also.</sup> *also*, it shall not affect the claims, rights or demands of any creditors of the Perkins Mills, in law or in equity; but that all such claims, rights and demands, shall survive; and in consideration of the said sale and transfer, the said Dwight Manufacturing Company shall be held answerable and liable therefor.

SECT. 3. This act shall take effect from its passage, but shall be null and void, unless accepted by the said corporations, respectively, within six months thereafter, which acceptances shall be binding on both corporations for the due fulfilment of all the stipulations and provisions of this act. [*Approved by the Governor, February 16, 1856.*]

**Chap. 22.** AN ACT in further addition to an Act establishing the City of Salem.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Election of city and ward officers.

SECT. 1. The acceptance by the legal voters of the city of Salem, of an act entitled, "An Act in addition to an Act establishing the city of Salem," approved by the governor, on the third day of May, in the year one thousand eight hundred and fifty-five, shall not prevent the holding of elections for the choice of city and ward officers in and for said city of Salem, on the Tuesday next preceding the second Monday of

Organization of city government.

March, in the present year, nor the organization of the government of said city of Salem on the fourth Monday of March, in the present year, in the manner now provided by law.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 21, 1856.*]

**Chap. 23.** AN ACT to change the corporate name of the Second Baptist Society in Salem, and also the time of their Annual Meeting.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Name changed.

SECT. 1. The corporate name of the Second Baptist Society in Salem, is hereby changed ; and said society shall hereafter be called and known by the name of the Central Baptist Society in Salem.

Annual meeting, when held.

SECT. 2. The annual meeting of said society may be holden on any day in March, Sundays excepted, instead of the first Monday in January, as required by their act of incorporation, passed February fifteenth, eighteen hundred and twenty-six.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 21, 1856.*]

**Chap. 24.** AN ACT respecting the Custody of Minor Children whose Parents are living separate.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Justices S. J. C. on petition, &c., may decree concerning minor children.

In all cases where the parents of any minor children are living separate, the justices of the supreme judicial court, on the petition of either parent, shall have the same power to make such decrees concerning their care, custody, education and maintenance, as they now have in cases of children whose parents are divorced. [*Approved by the Governor, February, 21, 1856.*]

AN ACT to incorporate the Nantucket Agricultural Society.

Chap. 25.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. E. W. Gardner, Josiah Gorham, William M. Bates, their associates and successors, are hereby made a corporation by the name of the Nantucket Agricultural Society, for the encouragement of agriculture and the mechanic arts, in the county of Nantucket, by premiums and other means; with all the powers and privileges, and subject to all the duties, liabilities and restrictions of other agricultural societies established in this Commonwealth.

Corporators.

Purpose.

Privileges, restrictions, &amp;c.

SECT. 2. Said society shall be entitled, on the same terms as other incorporated agricultural societies, to receive annually, from the treasury of the Commonwealth, two hundred dollars, under the provisions of chapter forty-two of the Revised Statutes, notwithstanding the restrictions of section second of that chapter. [Approved by the Governor, February 21, 1856.]

Receive \$200 annually from Commonwealth.

AN ACT concerning the Boston and New York Central Railroad Company.

Chap. 26.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Any person or persons having such claim for land damages against the Boston and New York Central Railroad Company, as does or may hereafter entitle him or them, at common law or by the statutes of this Commonwealth, or in any other way, to any injunction or process in law or equity, are hereby authorized to agree in writing with said company, upon such terms and conditions as shall be expressed in his or their agreement or agreements, not to avail himself or themselves of any or either, or all of said remedies, before the first day of May, in the year eighteen hundred and fifty-nine; and neither such agreement or agreements, nor any delay to apply for any of said processes, in pursuance of the terms and conditions of such agreement or agreements, shall be deemed a waiver of his or their right to enforce any, either or all of said remedies after the expiration of the said time, or upon the breach, by the said company, of the terms or conditions, or any of them, of the said agreement or agreements; but the same may then, in either such case, be enforced as fully as if said agreement or agreements had never been made.

Claimants for land damages may agree not to avail, &amp;c.

Agreement not to be deemed a waiver of right to enforce, &amp;c.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, February 26, 1856.]



**Chap. 27.** AN ACT relating to the appointment of Trustees of the State Lunatic Hospitals.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Parts of acts repealed.

So much of the first section of the forty-eighth chapter of the Revised Statutes, and of the first section of chapter three hundred and eighteen of the acts of eighteen hundred and fifty-three, as relates to the appointing for a succeeding year of the first named in the commission of trustees of the Lunatic Hospitals of Worcester and Taunton, is hereby repealed. [Approved by the Governor, February 26, 1856.]

**Chap. 28.** AN ACT to extend the time for Constructing the Western Avenue Railroad.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time for construction extended two years.

The time allowed to the Western Avenue Railroad Company to construct its Railroad, is hereby extended two years beyond the time now prescribed by law. [Approved by the Governor, February 26, 1856.]

**Chap. 29.** AN ACT to extend the time for the construction of the Barre and North Brookfield Railroad.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time for construction extended two years.

The time within which the Barre and North Brookfield Railroad Company may construct its railroad, is hereby extended two years from the time now fixed by law. [Approved by the Governor, February 26, 1856.]

**Chap. 30.** AN ACT to incorporate the Blackstone Athenæum.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

SECT. 1. Henry C. Kimball, Estes Lamb, James B. Hall, Paul P. Todd and Alexander Ballou, their associates and successors, are hereby made a corporation by the name of

Name.

the Blackstone Athenæum, to be established in the town of

Purpose.

Blackstone, in the county of Worcester, for the purpose of instituting and maintaining a library and reading-room, advancing useful arts and sciences, and promoting public instruction, by lectures or otherwise ; with all the powers

Privileges, restrictions, &c.

and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal estate, to an amount not exceeding in all the sum of twenty-five thousand dollars, the income of which shall be devoted to the aforesaid purposes. [Approved by the Governor, February 26, 1856.]

Real and personal estate not to exceed \$25,000.

Income, how devoted.

AN ACT to incorporate the Clinton Steam-Power Company.

Chap. 31.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Joseph B. Parker, Sidney Harris, Franklin Forbes, their associates and successors, are hereby made a corporation by the name of the Clinton Steam-Power Company ; for the purpose of supplying mechanics and manufacturers with rooms and steam-power in the town of Clinton, in the county of Worcester : and for this purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, the one hundred and thirty-third chapter of the acts of the year eighteen hundred and fifty-one, and all other general statutes which have been or may be passed, relating to like corporations.

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

SECT. 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock shall not exceed seventy-five thousand dollars : *provided*, that no shares in said capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued ; and *provided, also*, that no shares in said capital stock shall be assessed beyond such par value.

Real estate, \$50,000.

Capital stock, \$75,000. Provide.

Provided, also.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, February 26, 1856.]

AN ACT to change the corporate name of the Plympton Branch Railroad Company.

Chap. 32.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The corporate name of the Plympton Branch Railroad Company is hereby changed, and the said corporation shall hereafter take and be known by the name of the Silver Lake Ice Company.

Name changed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, February 29, 1856.*]

**Chap. 33.** AN ACT extending the time for the construction of the Boston and New York Central Railroad.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time for construction extended to May 1, 1867.

Proviso.

The time within which the Boston and New York Central Railroad Company may construct that portion of their railroad which was originally incorporated as the Southbridge and Blackstone Railroad Company, is hereby extended to May first, eighteen hundred and fifty-seven: *provided, however*, that any person or persons, whose land or other property has been taken by said railroad company, shall have one year, in addition to the time now allowed by law, to avail himself or themselves of the remedies provided in the thirty-ninth chapter of the Revised Statutes. [*Approved by the Governor, February 29, 1856.*]

**Chap. 34.** AN ACT amending the Forty-Ninth Chapter of the Revised Statutes, respecting the manner of Sureties surrendering their Principals in Bail Bonds.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Power of sureties to exonerate themselves.

SECT. 1. The sureties in the bond given as required by the Revised Statutes, chapter forty-ninth, sections first and second, shall have the same power to exonerate themselves as sureties in a bail bond now have, by Revised Statutes, chapter ninety-first.

Subsequent release of persons committed.

SECT. 2. Whenever any person shall be committed on account of inability to give such bond, or shall be surrendered by his sureties, as provided in the preceding section, he shall be discharged from prison, on giving, at any time thereafter, the bond required, with sureties approved by two justices of the peace and of the quorum, of the county, in the same manner as is provided by chapter ninety-seven, section sixty-fifth, of the Revised Statutes, for the approval of sureties in a bond for the prison limits.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, February 29, 1856.*]

AN ACT to incorporate the Duston Monument Association.

Chap. 35.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Charles Corliss, George Coffin, M. G. J. Emery, Obadiah Duston, Daniel Webster, T. J. Goodrich, John Carleton, John N. Kimball, Ezra B. Welch, J. V. Smiley, George Corliss, Numa Sargent, their associates and successors, are hereby made a corporation, by the name of the Duston Monument Association, for the purpose of enclosing and improving the site of the house in Haverhill, from which Hannah Duston was taken by the Indians, and of erecting and maintaining, by voluntary subscriptions and donations, a monument thereon ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2 Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of ten thousand dollars.

SECT. 3. Said corporation shall have no power to assess or tax its members.

SECT. 4. All past and future contributors to the amount of one dollar in aid of the association, shall thereby be entitled to membership thereof, with all its privileges. [Approved by the Governor, March 5, 1856.]

AN ACT to continue in force "An Act to incorporate the Hampshire Mutual Fire Insurance Company."

Chap. 36.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The act to incorporate the Hampshire Mutual Fire Insurance Company, passed on the sixth day of March, in the year one thousand eight hundred and thirty, shall be and remain in force for the term of twenty years from the sixth day of March, in the year one thousand eight hundred and fifty-eight ; and the said corporation shall be continued through that term, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, the four hundred and fifty-third chapter of the statutes of one thousand eight hundred and fifty-four, and in all the statutes which have been, or may hereafter be passed, relating to mutual fire insurance companies. [Approved by the Governor, March 5, 1856.]

**Chap. 37.** AN ACT to establish the Office of Assistant-Clerk of the Supreme Judicial Court, in the County of Suffolk.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Assistant-clerk of  
S. J. Court for  
county of Suffolk.

SECT. 1. The justices of the supreme judicial court may, from time to time, appoint some suitable person to act as assistant-clerk of the supreme judicial court for the county of Suffolk, who shall hold his office for the term of three years from the time of his appointment, subject to be sooner removed by the supreme judicial court; he shall perform his duties under the direction of the clerk of the supreme judicial court for the county of Suffolk, shall be sworn to the faithful discharge of his duties, and shall pay over to said clerk all fees and sums received by him as such assistant, to be accounted for according to law; and he shall receive for his services, the sum of fifteen hundred dollars per annum, payable quarterly out of the treasury of the county of Suffolk.

Salary, \$1,500  
per annum.

Duties.

SECT. 2. Such assistant-clerk may authenticate papers, and perform such other duties of the clerk as shall not be performed by him; and in case of the absence, neglect, removal, resignation or death of the clerk, may complete and attest any records remaining unfinished, and act as clerk of said supreme judicial court, until a new clerk be appointed and qualified.

Bond, &c.

SECT. 3. Such assistant-clerk, before entering upon the duties of his office, shall give a bond to the treasurer of the county of Suffolk, to be approved by the supreme judicial court, in a sum not less than five hundred dollars, and not exceeding two thousand dollars, with one or more sufficient sureties, with condition for the faithful discharge of the duties of his office. [Approved by the Governor, March 5, 1856.]

**Chap. 38.**

AN ACT giving further remedies in Equity.

*Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

S. J. C. to have  
jurisdiction in  
equity in cer-  
tain cases.

SECT. 1. The supreme judicial court shall have jurisdiction in equity, in all cases of accident or mistake where the party asking relief has not a plain, adequate and complete remedy at law, with all the powers belonging to said court in suits in equity.

Suits, how com-  
menced.

SECT. 2. Suits in equity may be commenced by bill or by writ of attachment.

SECT. 3. All acts or parts of acts, inconsistent with the preceding section, are repealed. Inconsistent acts repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 5, 1856.*]

AN ACT relating to the unlawful use of Private Property.

Chap. 39.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Every person, who shall, wilfully, mischievously and without right, take, drive, ride or use any horse, ass, mule, ox, or any draught animal, the property of another, without the consent of the owner, or other person having the legal custody, care or control of the same, shall be deemed to be guilty of a misdemeanor; and shall be punished by a fine not exceeding three hundred dollars, or by imprisonment in the house of correction for a term not exceeding six months: *provided*, that nothing in this act shall be so construed as to apply to any case, where the taking of the property of another is with the intent to steal the same, or when it is taken under a claim of right, or with the presumed consent of the owner, or other person having the legal control, care, or custody of the same. Unlawful taking of animals.

SECT. 2. Justices of the peace and police courts, shall have concurrent jurisdiction with the court of common pleas and the municipal court of the city of Boston, of offences under this act: *provided*, that such justices and police courts shall not have power to inflict a fine exceeding ten dollars on any conviction under this act. Justices, &c., to have concurrent jurisdiction of offences. Provviso.

SECT. 3. The two hundred and ninety-fifth chapter of the acts of the year one thousand eight hundred and fifty-four, is hereby repealed: *provided*, this repeal shall not affect any prosecution previously commenced. Act of 1854 repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 6, 1856.*]

AN ACT in addition to an Act in relation to Female Convicts.

Chap. 40.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same as follows :*

SECT. 1. Justices of the police courts, shall have concurrent jurisdiction with the court of common pleas, of all questions arising under the four hundred and sixteenth chapter of the acts of the year one thousand eight hundred and fifty-four. Justices of police courts to have concurrent jurisdiction with C. C. Pleas.



SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 6, 1856.*]

**Chap. 41.** AN ACT to authorize W. C. Barstow, B. C. Ward, E. S. Rand and C. C. Gilbert, to extend their Wharf.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May extend wharf.

Right, &c.

Proviso.

Provided, further.

W. C. Barstow, B. C. Ward, E. S. Rand and C. C. Gilbert, proprietors of a wharf and flats situated in that part of Boston called East Boston, and adjoining Condor Street, and lying between, and adjoining land and flats of the East Boston Company on the westerly side, and land and flats of B. C. Ward on the easterly side, are hereby authorized to extend and maintain their wharf aforesaid, into the harbor channel, as far as the commissioners' line, so called, as the same is now established by law, in Boston harbor; and shall have the right to lay vessels at the ends and sides thereof, and to receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line; and *provided, further,* that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, March 10, 1856.*]

**Chap. 42.** AN ACT to continue in force an Act to incorporate the Danvers Mutual Fire Insurance Company, and to change the corporate name of the same.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Act extended.

Duration.

Proviso.

SECT. 1. The statutes of the year of our Lord one thousand eight hundred and twenty-nine, chapter twenty, incorporating the Danvers Mutual Fire Insurance Company, shall be continued and remain in full force for the term of twenty years from and after the twelfth day of June, in the year of our Lord one thousand eight hundred and fifty-seven: *provided,* that said company shall be subject to all the duties, liabilities and obligations, and entitled to all the privileges set forth in the thirty-seventh and forty-fourth chapters of the Revised

Statutes, the four hundred and fifty-third chapter of statutes of the year one thousand eight hundred and fifty-four, and all other general laws which have been and may hereafter be enacted, relating to mutual fire insurance companies.

SECT. 2. The said Danvers Mutual Fire Insurance Com- Name changed.  
pany, shall hereafter be called and known by the corporate name of the South Danvers Mutual Fire Insurance Company.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, March 10, 1856.*]

AN ACT to amend an Act entitled, "An Act to authorize the Boston and Lowell Railroad Company to alter the construction of a Bridge and the location thereof," passed on the twenty-first day of May, eighteen hundred and fifty-five. Chap. 43.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. So much of the second section of the act Partial repeal.  
passed on the twenty-first day of May, in the year eighteen hundred and fifty-five, entitled, "An Act to authorize the Boston and Lowell Railroad Company to alter the construction of a bridge and the location thereof," as provides that the said Boston and Lowell Railroad Company shall be subject to the general statutes which relate to railroad corporations, which have been or may be hereafter passed, relating to such corporations, is hereby repealed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 10, 1856.*]

AN ACT to incorporate the Bowdoin Literary Association of Dorchester. Chap. 44.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Elbridge Packard McElroy, Robert Vose, Jr., Corporators.  
Owen B. Brigham and their associates, members of the society known by the name and style of the Bowdoin Literary Association of Dorchester, with their successors, are hereby made a corporation by the name of the Bowdoin Literary Association of Dorchester, for the purpose of diffusing and Purpose.  
promoting general knowledge in the town of Dorchester ; with all the powers and privileges, and subject to all the Privileges, restrictions, &c.  
restrictions, duties and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation may hold real and per- Real and personal estate not to exceed \$30,000.  
sonal estate, to be used for the purposes aforesaid, to an amount not exceeding the sum of thirty thousand dollars.  
[*Approved by the Governor, March 10, 1856.*]

**Chap. 45.** AN ACT in addition to "An Act to incorporate the Pocha Pond Meadow and Fishing Company, in Edgartown."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Pocha Pond Meadow and Fishing Co. to have exclusive privilege. &c.

SECT. 1. The Pocha Pond Meadow and Fishing Company, in Edgartown, in Dukes county, their successors and assigns, are hereby exclusively empowered, by seines, nets or any other fishing apparatus, at any time between the first day of March and the first day of July in each year, to take herrings from the waters of Pocha or Capeoge Ponds, in said Edgartown, or any of the outlets thereof.

Penalty for unlawful fishing.

SECT. 2. If any person shall set, stretch or drag a seine or net in said ponds, or the outlets thereof, or shall in any manner catch, or attempt to catch herrings therein, except as above provided, without the consent of said company, he shall forfeit and pay to the use of the aforesaid company the sum of twenty dollars for each offence, and an additional sum of twenty dollars for each and every barrel of herrings so taken.

Penalty for hindering passage of herring.

SECT. 3. If any person shall, in any way, hinder or prevent the herrings from passing through any or either of the aforesaid ponds or the outlets thereof, during the period aforesaid, he shall for each and every offence forfeit and pay to the use of said company the sum of one hundred dollars.

How recovered.

SECT. 4. The penalties above provided for, may be sued for and recovered in an action of debt, or an action of trespass in the case, in any court proper to try the same.

Shares.

SECT. 5. The proprietors of the aforesaid corporation may increase the number of shares to sixteen.

Inconsistent acts repealed.

SECT. 6. All acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, March 11, 1856.*]

**Chap. 46.** AN ACT in addition to an Act entitled, "An Act to incorporate the Mercantile Library Association," passed in the year one thousand eight hundred and forty-five.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Real and personal estate, \$100,000.

SECT. 1. The Mercantile Library Association of Boston, may hold real and personal estate, for the purposes set forth in the original act of incorporation, of the value, in all, of not more than one hundred thousand dollars. And the legal title thereto shall be vested in five trustees, who shall

To be vested in five trustees.

be appointed and controlled as provided in section second of the said original act.

SECT. 2. All persons engaged in mercantile pursuits and Members. above the age of sixteen years, and no others, shall be eligible as members of this association, and entitled to vote and act as officers thereof.

SECT. 3. The board of government of the association, Board of govern- ment. to wit,—the president, vice-president, corresponding secretary, recording secretary, treasurer, and eight directors, may receive as subscribers to the library or reading-room, and admit to the privileges thereof, any person or any May admit sub- scribers on cer- tain condition. mercantile firm who may not be eligible as a member or members of the association under this act and the act to which this is in addition, upon payment of a subscription, and complying with such other terms and conditions as the said board may prescribe.

SECT. 4. All parts of the original act of incorporation Partial repeal. inconsistent with this act, are hereby repealed. [*Approved by the Governor, March 12, 1856.*]

AN ACT respecting Naturalization.

Chap. 47.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The supreme judicial court, the court of com- S. J. Court, &c., to decide upon ap- plications for nat- uralization. mon pleas, the superior court of the county of Suffolk, when held for the transaction of civil business, shall entertain and decide upon applications of aliens for naturalization.

SECT. 2. All proceedings upon applications for natural- Proceedings to be in open court and made matter of record, &c. ization, shall be held in open court, and be made matter of record, and be entered upon the docket of the court, at the term when the primary application or declaration is made, and also at the term when the final application or declaration is made.

SECT. 3. So much of the twenty-eighth chapter of the Inconsistent act repealed. acts of the year one thousand eight hundred and fifty-five, as is inconsistent with this act, is hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, March 13, 1856.*]

**Chap. 48.** AN ACT in addition to several Acts to secure a Decennial Census and Statistical Information.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Compensation for taking decennial census, \$2 per day, each agent.

Provided.

Provided, further.

Part of act repealed.

SECT. 1. There shall be allowed from the treasury of the Commonwealth, for each agent, duly authorized and employed, as provided in the third section of an act approved on the twenty-first day of May, in the year of our Lord eighteen hundred and fifty-five, and entitled, "An Act to secure a Decennial Census," as a compensation for his services, after the rate of two dollars a day for each agent, for the time actually employed in taking said census, reckoning ten hours as a day: *provided, however*, that if the same persons were employed at the same time for taking the census, who were required by the act approved May twenty-one, eighteen hundred and fifty-five, to obtain statistical information relating to certain branches of industry, then the sum of two dollars a day shall be equivalent to the services rendered under both acts: and *provided, further*, that if said services were performed under an agreement made between city or town authorities and such agents, such contracts may be approved by the state auditor, and paid,—if the amount payable under such contracts do not exceed the sum above named,—said contracts to be certified, and the bills of said agents to be approved by the mayors of the several cities, and the selectmen of the several towns.

SECT. 2. So much of the fourth section of the act approved on the twenty-first day of May, in the year eighteen hundred and fifty-five, and entitled, "An Act to obtain Statistical Information relating to certain branches of Industry," as relates to the auditing of the accounts of assessors, is hereby repealed.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, March 15, 1856.*]

**Chap. 49.** AN ACT in addition to "An Act to incorporate the Young Men's Library Association of Worcester."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Name changed.

SECT. 1. The Young Men's Library Association of Worcester, are hereby authorized to take the name of the Worcester Lyceum and Library Association.

SECT. 2. The Worcester Lyceum are hereby authorized

to unite with the Young Men's Library Association of Worcester, and, upon the acceptance of this act by the said Lyceum, and the said Young Men's Library Association, the property of the said Lyceum shall pass to, and be vested in, the Worcester Lyceum and Library Association.

Union of associations.

Property, how vested.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, March 15, 1856.]

AN ACT to regulate the construction of Fish Weirs.

Chap. 50.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The mayor and aldermen of any city, and the selectmen of the several towns, lying upon the tide-waters of this Commonwealth, are hereby empowered to authorize in writing, any person to construct fish-weirs in said waters, within the limits of such city or town, for a term not exceeding five years: *provided*, said weirs shall cause no obstruction to navigation nor encroach on the rights of others.

Selectmen, &c., may authorize the construction of fish weirs.

Proviso.

SECT. 2. If any person shall wilfully injure or destroy said weirs, or any part thereof, or shall, without leave of the owners thereof, take from the same any fish found therein, he shall, upon conviction, forfeit and pay to the use of the owners of said weirs, a sum not exceeding twenty dollars, to be recovered in any court of competent jurisdiction, and shall, moreover, be liable to the parties injured, for all damages in a civil suit.

Penalty for injuring fish weirs, &c.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, March 15, 1856.]

AN ACT to incorporate the Williams House Company.

Chap. 51.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Harvey T. Cole, Sumner Southworth, Stephen Walley, their associates and successors, are hereby made a corporation by the name of the Williams House Company, for the purpose of erecting a hotel in the town of Williams-town, and maintaining the same, and the buildings and appurtenances connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

SECT. 2. The whole amount of real and personal estate

Real and personal  
estate, \$50,000.

Previous.

Provided, also.

or capital stock which said corporation may hold for the purposes aforesaid, shall not exceed fifty thousand dollars: *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued; and *provided, also*, that said corporation shall not carry on the business of hotel-keeping.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1856.*]

**Chap. 52.** AN ACT to protect the Fisheries in Ipswich River, in the Towns of Hamilton, Wenham, Topsfield, Boxford and Middleton.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Fishing prohib-  
ited in certain lim-  
its.

SECT. 1. No person shall set, draw, or stretch any seine or drag-net, in any of the waters in Ipswich River, within the limits of the towns of Hamilton, Wenham, Topsfield, Boxford and Middleton.

Penalty for  
offending.

SECT. 2. Any person who shall offend against the provision of section first of this act, shall, for each and every offence, forfeit the sum of one hundred dollars, one-half thereof to the use of the complainant, and the other half to the town where the offence was committed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1856.*]

**Chap. 53.** AN ACT to authorize County Commissioners to administer Oaths and Affirmations.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

County commis-  
sioners may ad-  
minister oaths,  
&c.

SECT. 1. County Commissioners may administer oaths and affirmations, to witnesses who may appear to testify respecting any matter depending before them in their official capacity.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 15, 1856.*]

**Chap. 54.** AN ACT to authorize Daniel Crowley to extend his Wharf.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

May extend  
wharf.

Daniel Crowley, proprietor of a wharf and flats situated in that part of Boston called East Boston, and adjoining

Condor Street, and lying between, and adjoining land and flats of the city of Boston on the easterly side, and land and flats of Salma E. Gould, on the westerly side, is hereby authorized to extend and maintain his wharf aforesaid, into the harbor channel as far as the commissioners' line, so called, as the same is now established by law in Boston Harbor, and shall have the right to lay vessels at the ends and sides thereof, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats continued to said commissioners' line; and *provided, further*, that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction; and this act shall in no wise impair the legal rights of any person whatever. [Approved by the Governor, March 17, 1856.]

Rights, &amp;c.

Proviso.

Provided, further.

AN ACT to accept the surrender of the Charter of the Railroad Mutual Fire Insurance Company. *Chap. 55.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The surrender of the charter of the Railroad Mutual Fire Insurance Company, incorporated March twenty-second, in the year of our Lord one thousand eight hundred and fifty-one, is accepted, and the said charter shall be null and void, from and after the passage of this act. [Approved by the Governor, March 21, 1856.]

Charter surrendered.

AN ACT to incorporate the New England Railroad Mutual Fire Insurance Company. *Chap. 56.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. Thomas Hopkinson, John Howe, Waldo Higginson, their associates and successors, are hereby made a corporation by the name of the New England Railroad Mutual Fire Insurance Company, in the city of Boston, for the term of twenty-eight years, for the purpose only of insuring railroad station and freight houses, and their contents, and other property in which railroad corporations may have an insurable interest, against loss or damage by fire; with all the powers and privileges, and subject to all

Corporators.

Name.

Duration.

Purpose.

Privileges, restrictions, &amp;c.



the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, the four hundred and fifty-third chapter of the statutes of the year one thousand eight hundred and fifty-four, and all other laws which have been or may hereafter be enacted relative to mutual fire insurance companies.

May insure prop-  
erty in other  
States.

SECT. 2. This company are hereby authorized to insure property for any railroad corporation incorporated by the laws of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania, in which such corporations may have an insurable interest, against loss or damage by fire, as set forth in section first of this act.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, March 21, 1856.*]

#### Chap. 57.

AN ACT to authorize John Pew to extend his Wharf in Gloucester.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May extend  
wharf.

SECT. 1. John Pew is hereby authorized to extend his wharf, in the harbor of Gloucester, a distance not exceeding thirty-seven feet, towards the channel: *provided*, that this grant shall in no wise impair the legal rights of any person or corporation.

Proviso.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1856.*]

#### Chap. 58.

AN ACT concerning the Vermont and Massachusetts Railroad Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May mortgage  
railroad, &c.,  
to trustees, for  
\$1,100,000.

SECT. 1. The Vermont and Massachusetts Railroad Company are hereby authorized to mortgage to three trustees, and to the survivors and survivor of them, and each of them, and to their successors, to secure the bonds of said company to the amount of eleven hundred thousand dollars, the railroad of said company, with all the lands and buildings of said company, intended for the use and accommodation of said road and the business of the same, and all the locomotives, cars of all descriptions, tools, machinery, and implements used in working and running said road and in connection therewith, and all additions made thereto by adding new locomotives, cars, tools, machinery, and other things.

SECT. 2. Such mortgage shall be recorded in the registry of deeds of the counties of Worcester and Franklin, and in the clerk's office of the towns of Fitchburg and Greenfield. Mortgage shall be recorded, &c.  
*[Approved by the Governor, March 21, 1856.]*

AN ACT to authorize Parker Burnham, Joseph B. Burnham and Elias Burnham to extend their Marine Railway. *Chap. 59.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Parker Burnham, Joseph B. Burnham and Elias Burnham, are hereby authorized to extend their marine railway, in the harbor of Gloucester, a distance not exceeding thirty feet towards the channel: *provided*, that this grant shall in no wise impair the legal rights of any person. Marine railway in Gloucester, extended. Proviso.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, March 21, 1856.]*

AN ACT to change the Name of the State Reform School for Girls. *Chap. 60.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The State Reform School for Girls shall hereafter be called and known by the name of the State Industrial School for Girls. Name changed.  
*[Approved by the Governor, March 21, 1856.]*

AN ACT to set off a part of the Town of Boxford and annex the same to the Town of Groveland. *Chap. 61.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. So much of the town of Boxford, in the county of Essex, with the inhabitants thereon, as lies within the following described lines, is set off from the said town of Boxford, and annexed to the town of Groveland, in said county of Essex, to wit: Beginning at a stone monument, at the north-westerly corner of the town of Georgetown, and north-easterly corner of said town of Boxford, thence running south, ten degrees thirty minutes, west, three hundred and eleven rods and five links, on a line between said towns of Georgetown and Boxford, to a stone monument, at an angle between said towns; thence running on an angle with the first mentioned line, containing forty-six degrees thirty minutes, five hundred and fifty-eight rods and twenty links, north-westerly, and between the houses of William Ross and Territory set off and annexed.

Inhabitants of said territory to pay to Boxford \$110.50.

Provision for support of paupers.

Election of representatives.

John C. Foot, and across Johnson's Pond, to a stone monument between the towns of Bradford, Boxford and Groveland; thence running easterly, on a line between said towns of Boxford and Groveland, (which is the present dividing line between said towns,) to the point first begun at: *provided, however*, that the inhabitants and land thus set off, shall be holden to pay, and shall pay, to said town of Boxford, the sum of one hundred and ten dollars and fifty cents; the said sum being their portion of the town debt of said town of Boxford: and *provided, further*, that all paupers who have gained a settlement in said town of Boxford, by a settlement gained or derived within said territory, shall be relieved or supported by said town of Groveland, in the same manner, as if they had a legal settlement in said town of Groveland.

SECT. 2. For the purpose of electing representatives to the general court, to which the said town of Boxford is entitled, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment to the constitution, the said territory shall remain and continue to be a part of the town of Boxford, and the inhabitants, resident therein, shall be entitled to vote in the choice of such representatives, and shall be eligible to the office of representative in the town of Boxford, in the same manner as if this act had not passed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 21, 1856.*]

**Chap. 62.** AN ACT in addition to "An Act to incorporate the Proprietors of the Rural Cemetery in Worcester."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

May hold real and personal estate necessary.

How applied.

\* The corporation of the proprietors of the Rural Cemetery in Worcester, may take and hold, by purchase or otherwise, from time to time, so much real and personal estate, as may be necessary for the objects of their organization, any limitation in the act to which this is in addition to the contrary, notwithstanding; and all such real and personal estate shall be applied, exclusively, to purposes connected with, and appropriate to the objects of such corporation. [*Approved by the Governor, March 21, 1856.*]

AN Act in addition to "An Act to establish a State Reform School for Girls." Chap. 63.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The treasurer of the State Reform School for Girls shall receive, hold and invest, for the benefit of said Reform School, all legacies, devises and donations to, or on the account of said Reform School, subject to such regulations as may be established, from time to time, by the board of trustees of said school. [Approved by the Governor, March 21, 1856.] Treasurer shall receive legacies, donations, &c.

AN Act to incorporate the Female Benevolent Society at South Danvers. Chap. 64.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Sarah L. Winchester, Eunice W. Cook, Mary O. Poor, Maria Whitney, Tamison P. Kimball, their associates and successors, are hereby made a corporation, by the name of the Female Benevolent Society at South Danvers, for the purpose of taking, holding, investing and distributing such funds as they now have, or may hereafter be given them for the charitable and benevolent objects of their association; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Corporators. Name. Purpose. Privileges, restrictions, &c.

SECT. 2. Said corporation shall have power to establish such rules and regulations, for the management of their association, as a majority of the members may, from time to time, determine to be expedient and proper. Rules, &c.

SECT. 3. The funds of this association shall not at any time exceed twenty-five thousand dollars. Funds not to exceed \$25,000.

SECT. 4. This act shall take effect on and after its passage. [Approved by the Governor, March 21, 1856.]

AN Act in addition to an Act to incorporate the President, Directors and Company of the Maverick Bank in East Boston. Chap. 65.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. That so much of the first section of said act, as restricts the place of business of said bank to any particular part of Boston, be and the same is, hereby repealed. Partial repeal.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 26, 1856.]

**Chap. 66.** AN ACT in addition to an Act to incorporate the **Dorchester Avenue Railroad Company.**

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Power to construct railway.

SECT. 1. The Dorchester Avenue Railroad Company is hereby empowered to construct, maintain and use a railway or railways, with convenient single or double tracks, to be operated by horse-power only, upon and over such streets and ways within the limits of that part of the city of Boston, which was set off from the town of Dorchester, by the four hundred and sixty-eighth chapter of the acts of the year one thousand eight hundred and fifty-five, as the mayor and aldermen of said city of Boston may, by their votes, from time to time, permit or determine ; and also upon and over such streets and ways within the limits of the town of Dorchester, upon and over which the said company has not heretofore been authorized to construct said railway, as the selectmen of said town shall, by their votes, from time to time, permit or determine.

Tracks, how to be laid.

SECT. 2. All tracks of said railroad shall be laid at such distances from the side-walks, in said city of Boston and town of Dorchester, and shall be constructed and maintained in such form and manner, and upon such grades, and with such gauge, as the mayor and aldermen of said city, and the selectmen of said town, respectively, shall determine to be for the public safety and convenience ; and before the location or construction of any track in any street or highway, the mayor and aldermen of said city, and selectmen of said town, respectively, shall give notice to the abutters thereon, in the manner provided in the four hundred and thirty-fifth chapter of the acts of the year one thousand eight hundred and fifty-four.

Notice to abutters.

Powers conferred, &c.

SECT. 3. The mayor and aldermen of said city of Boston, and the selectmen of said town of Dorchester, shall respectively, have and possess, in respect to the railway or railways constructed and maintained under this act, and the regulation of the rate of speed and mode of use of said tracks, and the discontinuance of the same, or any part thereof, all the powers conferred on them by the four hundred and thirty-fifth chapter of the acts of the year one thousand eight hundred and fifty-four, and all the powers and rights and privileges by this act conferred on said Dorchester Avenue Railroad Company, shall be subject to all the duties, liabilities, conditions, restrictions and provisions contained in the four hundred and thirty-fifth chapter of the

acts of the year one thousand eight hundred and fifty-four, and in the two hundred and first chapter of the acts of the year one thousand eight hundred and fifty-five. [*Approved by the Governor, March 26, 1856.*]

AN ACT to establish the office of Assistant-Attorney for the County of Suffolk. *Chap. 67.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. There shall be appointed by the Governor, with the advice and consent of the council, an assistant-attorney of the Commonwealth for the county of Suffolk, whose duty it shall be to assist, under his direction, the attorney of the Commonwealth for said county, in the performance of his official duties. Governor to appoint assistant-attorney for county of Suffolk.

SECT. 2. The said assistant-attorney shall receive for his services, an annual salary of eighteen hundred dollars, to be paid in equal quarterly payments, from the treasury of the Commonwealth. [*Approved by the Governor, March 27, 1856.*]

AN ACT in relation to Lands Mortgaged to the Commonwealth.

*Chap. 68.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Whenever the title to any real estate becomes vested in the Commonwealth, by reason of the foreclosure of any mortgage, the treasurer and receiver-general may, with the approval of the governor and council, convey the same, upon the payment of the amount of the mortgage debt, for the security of which the same was originally given, with the interest and expenses that have accrued thereon. Treasurer may convey certain real estate, &c.

SECT. 2. In all cases where the treasurer and receiver-general of the Commonwealth, for the time being, shall hold as the property of the Commonwealth, any note, bond, mortgage or other security made to any predecessor in the office of the treasurer and receiver-general, he shall have the same power to transfer, assign and discharge the same, as he would have if said note, bond or other security, had been made directly to the Commonwealth. May transfer, &c., any bond or other security, given to predecessor in office, &c.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 27, 1856.*]

**Chap. 69.** AN ACT to incorporate the Webster Institute, in the City of Cambridge.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Purpose.

Privileges, restrictions, &amp;c.

Real and personal estate not to exceed \$50,000.

SECT. 1. James C. Fisk, Charles A. Fiske and A. S. Kelly, their associates and successors, are hereby made a corporation, by the name of the Webster Institute, to be established in the city of Cambridge, for the purpose of establishing and maintaining a library and reading-room, advancing the useful arts and sciences, and promoting public instruction by lectures, or otherwise ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal estate not exceeding in amount or value, the sum of fifty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1856.*]

**Chap. 70.**

AN ACT relating to the Venue of Certain Actions.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Transitory actions, in what counties shall be brought.

SECT. 1. All transitory actions shall, except in cases in which it is otherwise provided, when the plaintiff lives out of the State, be brought in the county in which the defendant lives, or in which he principally transacts his business, or follows his trade or calling, if he resides in this Commonwealth ; and when there are two or more defendants, the action may, so far as it depends on the place of residence, be brought in the county in which either of the defendants lives, or in which he principally transacts his business, or follows his trade or calling ; and when any such action is brought in any other county, the writ shall be abated, and the defendant shall be allowed double costs.

Inconsistent act repealed.

SECT. 2. So much of the fourteenth section of chapter ninety of the Revised Statutes, as is inconsistent with the provisions of this act, is hereby repealed.

Not to apply to pending actions.

SECT. 3. This act shall not apply to any action pending at the time of its passage. [*Approved by the Governor, March 28, 1856.*]

AN ACT in further addition to an Act in relation to Law Library Associations. *Chap. 71.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The county commissioners of the several counties are hereby authorized to pay and disburse, from the treasuries of their respective counties, to the treasurers of the law library associations now existing, or that may hereafter be duly organized therein, such a sum or sums as they may deem necessary and proper, for maintaining and enlarging the public law libraries for the use of the courts and citizens of the several counties ; such sum not to exceed the amount paid into the treasury of any county by the clerks of the courts.

Appropriations  
for county law  
libraries.

SECT. 2. The treasurer of any such law library association, before receiving said moneys, shall give a bond, with sureties, to the satisfaction of the commissioners, for the faithful application of the same, and that he will make a return annually to them, under oath, of the manner in which all such applications are made. [*Approved by the Governor, March 28, 1856.*]

Treasurer to give  
bonds.

AN ACT to authorize Francis Small to extend his Wharf.

*Chap. 72.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Francis Small, proprietor of a wharf in Provincetown, is hereby authorized to extend and maintain the same into Provincetown harbor, to a distance at which there shall be six feet of water at low tide: *provided, however*, that the said wharf shall not extend into the harbor or channel so as to obstruct the navigation of said harbor ; and he shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, also*, that this act shall in nowise impair the legal rights of any person ; and *provided, further*, that said wharf shall be built on piles below low-water mark. [*Approved by the Governor, March 28, 1856.*]

May extend  
wharf.

Proviso.

Rights, &c.



**Chap. 73.**

AN ACT to authorize Shaw Norris to build a Wharf.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Wharf in Edgartown

Shaw Norris is hereby authorized to build and maintain a wharf from his land adjoining the east side of Holmes' Hole Harbor, near the termination of the county road leading from Edgartown to said harbor, extending the same one hundred feet from low-water mark, or to eight feet of water at low tide: *provided, however*, that the said wharf shall not extend into the harbor or channel so as to obstruct the navigation of said harbor; and he shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this act shall not affect the legal rights of any person; and *provided, also*, that said wharf shall be built on piles below low-water mark. [Approved by the Governor, March 28, 1856.]

Proviso.

Rights, &amp;c.

**Chap. 74.** AN ACT in addition to an Act entitled, an Act authorizing James S. Chace to plant Oysters in Taunton Great River.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time increased.

SECT. 1. The penalty imposed in the second section of the act of February twenty-eighth, in the year one thousand eight hundred and forty-six, to which this is in addition, shall be so amended as to increase the fine imposed in said act, to the sum of twenty dollars: and in addition to said fine, any person convicted of violating said right shall be imprisoned in the county jail for a term not to exceed thirty days.

Additional punishment.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, March 28, 1856.]

**Chap. 75.** AN ACT authorizing the United States Chemical Manufacturing Company to change their Name and Location.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Change of name and location.

SECT. 1. Chapter four hundred and eleven of the acts and resolves passed in the year eighteen hundred and fifty-three, entitled, "An Act to incorporate the United States Chemical Manufacturing Company," is hereby so far amended as to authorize the said corporation to take the name of "The Coup Oil Company," in place and stead of that by which they were incorporated, and also to change the loca-

tion of their manufacturing business, or the principal portion thereof, to Hingham in the county of Plymouth.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 28, 1856.*]

AN ACT to authorize John N. Swazey to extend his Wharf in Lynn. Chap. 76.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

John N. Swazey, proprietor of a wharf and flats situated in that part of the city of Lynn called West Lynn, is hereby authorized to extend and maintain said wharf the distance of five hundred feet on the adjoining flats, in a course south, eight degrees east from the head, or outer end of said wharf: May extend wharf. *provided*, that this act shall in no way affect the legal rights of any persons or corporation whatever. [*Approved by the Governor, March 28, 1856.*]

AN ACT in addition to an Act to incorporate the Trustees of the Punchard Free School, in the Town of Andover. Chap. 77.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The town of Andover is hereby exempted from the requirements contained in the fifth section of the twenty-third chapter of the Revised Statutes, applicable to towns containing four thousand inhabitants: Exempted from requirements of statute. *provided*, that this act shall not be construed to impair the right of the inhabitants of said town, at any legal meeting called for the purpose, to establish and maintain such a school as is required in said fifth section, of towns containing four thousand inhabitants. Proviso.

SECT. 2. This act shall take effect on and after the opening of said Punchard Free School. [*Approved by the Governor, March 29, 1856.*]

AN ACT authorizing the County Commissioners of the County of Norfolk to construct a Bridge across the Boston and New York Central Railroad, in Dorchester. Chap. 78.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The county commissioners for the county of Norfolk are hereby authorized to construct a bridge, with suitable approaches, in such manner as they shall judge May construct bridge in Dorchester.

Railroad company to reimburse, &c.

Proceedings in case of refusal to pay, &c.

Commissioners not to construct until, &c.

Existing liabilities not to be impaired.

expedient, over the Boston and New York Central Railroad, in Dorchester, at the place where said railroad is crossed by the highway located by said commissioners, and known as the Forest Hill Avenue, for the purpose of completing said highway and rendering the same safe and convenient to the public travel; and the said Boston and New York Central Railroad Company shall repay and reimburse to said county of Norfolk all such sums of money, expenses and charges, as shall be expended and incurred by said county in the construction of said bridge and its approaches, as aforesaid, with interest on said sums.

SECT. 2. In case said railroad company shall neglect or refuse to repay and reimburse said sums of money, expenses and charges, with interest as aforesaid, to said county, within ninety days after demand thereof, made by said commissioners of said railroad company, the supreme judicial court, or any justice thereof, either in term time or vacation, shall have power, by injunction or other suitable process, according to the practice of courts of equity, to compel the repayment of said sums of money, expenses and charges, with interest as aforesaid, to said county, and shall restrain and prohibit said railroad company from crossing said highway, either at grade or above or below grade, and from crossing under said bridge, until payment is made, by said company to said county, for all the sums of money expended as aforesaid, expenses, charges and interest as aforesaid, and the provisions of this act are complied with on the part of said company.

SECT. 3. The said commissioners shall not be authorized by virtue of the provisions of this act to construct said bridge, until said railroad company, by a vote of the majority of the directors of said company, shall have assented to this act, and given the bond of said company, by its treasurer, to said county, conditioned to repay and reimburse to said county, on demand, the sums of money, disbursements, expenses and charges, so to be expended and incurred as aforesaid, with interest as aforesaid.

SECT. 4. The remedy prescribed in this act in default of payment, shall not exclude any other remedy now existing against said company for preceding defaults, or affect in any wise the enforcement of the duties and obligations devolved, or which may devolve upon said company in any other mode allowed by law; and nothing in this act contained shall alter or affect the liability for defects in said structures, or the obligations to maintain and repair said bridge and its approaches; but said liability and obligations

shall continue as they would have existed had said bridge and its approaches been constructed by said railroad company.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, March 29, 1856.]

AN ACT to incorporate the Haverhill Mechanics' Institute.

Chap. 79.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. James A. Bartlett, Daniel Fitts, Albert H. West, Samuel P. Prescott and Hiram A. Bagley, their associates and successors, are hereby made a corporation by the name of "The Haverhill Mechanics' Institute," to be established in the town of Haverhill, in the county of Essex, for the maintenance of a library and for scientific and literary purposes ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Privileges, restrictions, &c.

SECT. 2. Said corporation may hold real and personal estate to an amount not exceeding fifty thousand dollars, the income of which shall be devoted to the aforesaid purposes.

Real and personal estate, \$50,000.

Income, how devoted.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, March 29, 1856.]

AN ACT to incorporate the Pacific Mutual Insurance Company.

Chap. 80.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Edward M. Robinson, Gideon Allen, Benjamin T. Ricketson, their associates and successors, are hereby made a corporation by the name of the Pacific Mutual Insurance Company, to be established in the city of New Bedford, for the purpose of making insurance against maritime losses ; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, the two hundred and eighty-first chapter of the acts of the year eighteen hundred and fifty-one, the four hundred and fifty-third chapter of the acts of the year eighteen hundred and fifty-four, and all acts now existing or that may hereafter be enacted relating to mutual insurance companies.

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, March 31, 1856.*]

**Chap. 81.**

AN ACT to abolish the Police Court, in the Town of Blackstone.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Police court  
abolished.

SECT. 1. Chapter seventy-two of the laws of eighteen hundred and fifty-four, entitled, "An Act to establish a Police Court in the town of Blackstone," and chapter three hundred and forty-five of the laws of eighteen hundred and fifty-four, entitled, "An Act in addition to an Act to establish a Police Court in the town of Blackstone," are hereby repealed.

Pending suits,  
how determined.

SECT. 2. This act shall take effect from and after its passage ; but all suits, actions and prosecutions, which shall be pending before said court when this act shall take effect, shall be heard and determined as though this act had not been passed. [*Approved by the Governor, April 1, 1856.*]

**Chap. 82.**

AN ACT authorizing the County Commissioners of the County of Middlesex to lay out a Highway and construct a Bridge over Malden River.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May lay out high-  
way and con-  
struct bridge  
across Malden  
River.

SECT. 1. The county commissioners for the county of Middlesex, are hereby authorized and empowered, if in their judgment the public necessity and convenience require it, to lay out a highway and construct a bridge and draw across Malden River, in the town of Malden, in said county, at some place to be determined by them, between Mystic River and the Edgeworth Bridge, across the Malden River.

Commissioners,  
how to proceed.

SECT. 2. Said commissioners, in laying out and constructing said road and bridge, shall, in all respects, proceed as is now provided by law for laying out and constructing highways.

Act void unless,  
&c.

SECT. 3. This act shall be void unless an application shall be made to the county commissioners to lay out said highway and bridge within one year from its passage. [*Approved by the Governor, April 1, 1856.*]

AN ACT relating to Fish Ways at the several Dams on Barker's River, so called, in the Town of Pembroke. *Chap. 83.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The owners or occupants of the several mill-dams, erected across Barker's River, may construct, in the manner prescribed by the fish committee of the town of Pembroke, for the time being, good and sufficient passageways for the fish called alewives to pass said dams, up said river, to the Indian Ponds, so called, in the towns of Pembroke and Hanson ; and the owners or occupants of said dams shall cause the same to be built and kept in repair, at their own expense, and the same shall be kept open from the tenth day of April to the fifteenth day of May, inclusive, in each year. Owners of mill-dams to construct fish ways, &c.

SECT. 2. In case the owners or occupants of said dams shall neglect or refuse to comply with the foregoing requisition, then said owners or occupants shall take up the wasteways of said mills, agreeable to an act entitled, " An Act to equalize and protect the Fishery on the North River, so called, in the county of Plymouth," passed the nineteenth of May, one thousand eight hundred and fifty-three. Penalty for neglect or refusal.

SECT. 3. The fish committee, of the town of Pembroke, for the time being, shall have full power to regulate and control the flow of water in Barker's River and Indian Ponds, so long as they may deem it necessary for the preservation of said alewife fish in their passage to and from said Indian Ponds. Powers of fish committee.

SECT. 4. All acts and parts of acts, inconsistent with this, are hereby repealed. Inconsistent acts repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1856.*]

AN ACT to authorize the Second Parish, in West Newbury, to dispose of their Burial Grounds. *Chap. 84.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Second Parish, in West Newbury is hereby authorized to transfer and convey to any associations incorporated according to law, and formed for the purpose of improving or enlarging any of the cemeteries situated in said parish, the burial grounds belonging to said parish : May convey burial grounds.

Proviso.

*provided*, the majority of the aforesaid parish, at a regular meeting, duly called for that purpose, shall consent thereto.

SECT. 2. This act shall take effect on and after its passage. [*Approved by the Governor, April 3, 1856.*]

**Chap. 85.**

AN ACT in addition to "An Act relating to Leasehold Estates."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Partial repeal.

SECT. 1. The first proviso to the first section of the two hundred and sixty-seventh chapter of the acts of the year one thousand eight hundred and forty-seven, providing that if the tenant shall pay or tender to the landlord the rent due, with interest thereon, at any time before final judgment under the proceedings provided for in the second section of said act, the lease shall be, and continue in full force, is hereby repealed.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1856.*]

**Chap. 86.**

AN ACT to extend the time for locating and constructing the Amherst and Belchertown Railroad.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time for locating extended.

The times allowed to the Amherst and Belchertown Railroad Company, for locating and constructing its railroad, are hereby respectively extended one year beyond the periods now fixed by law, for the locating and constructing thereof. [*Approved by the Governor, April 3, 1856.*]

**Chap. 87.**

AN ACT to authorize Zeno Crowell to build a Wharf.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Wharf in Dennis.

Zeno Crowell is hereby authorized to build and maintain a wharf from his land near the light-house, in that part of Dennis known as West Dennis, extending the same to two feet of water at low tide ; and he is further authorized to build and maintain a section from the end of, and transversely with, said wharf, seventy-five feet in length, and twelve feet in breadth ; and he shall have the right to lay vessels and boats at any part of said wharf, and to receive wharfage and dockage therefor : *provided*, that this act shall in nowise impair the legal rights of any person or corporation. [*Approved by the Governor, April 3, 1856.*]

Proviso.

AN ACT in addition to an Act to authorize the Newburyport Railroad Company to construct a Branch Railroad. *Chap. 88.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The time within which the Newburyport Railroad Company is required to file the location of the branch railroad, the construction whereof is authorized by the sixty-second chapter of the acts of the year one thousand eight hundred and fifty-five, is hereby extended to the first day of October next. Time for filing location extended.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1856.*]

AN ACT in addition to "An Act to authorize W. C. Barstow, B. C. Ward, E. S. Rand and C. C. Gilbert, to extend their Wharf." *Chap. 89.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The provisions of the forty-first chapter of the acts of the year one thousand eight hundred and fifty-six, passed March the tenth, are so far amended as that said wharf and flats shall be bounded on land and flats of E. S. Rand on the easterly side thereof, instead of lands and flats of B. C. Ward, as therein mentioned. Act amended.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1856.*]

AN ACT in addition to certain Acts authorizing Benjamin W. Miller to plant Oysters in Taunton Great River. *Chap. 90.*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The penalty imposed in the second section of the act entitled, "An Act authorizing Benjamin W. Miller to plant oysters in Taunton Great River," passed February twenty-eighth, in the year one thousand eight hundred and forty-six, to which this is in addition, shall be so amended as to increase the fine imposed in said act, to the sum of twenty dollars; and in addition to said fine, any person convicted of violating said right, shall be imprisoned in the county jail, for a term not to exceed thirty days. Act of 1846 amended. Additional fine. Imprisonment.

SECT. 2. The penalty imposed in the second section of the act entitled, "An Act authorizing Benjamin W. Miller to plant oysters in Taunton Great River," passed March twelfth, in the year one thousand eight hundred and forty-seven, to Act of 1847 amended.



Fine and imprisonment.

which this is in addition, shall be so amended that in addition to the fine imposed in said act, any person convicted of violating said right, shall be imprisoned in the county jail for a term not to exceed thirty days.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1856.*]

**Chap. 91.** AN ACT to change the Corporate Name of the Fourth Congregational Precinct, in Rochester, and for other purposes.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporate name changed.

SECT. 1. The corporate name of the Fourth Congregational Precinct in Rochester, is hereby changed; and said precinct shall hereafter be called and known by the name of the Congregational Church and Society in Marion. All the funds, rights, privileges and immunities of the aforesaid precinct, are hereby confirmed to them under their new name.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1856.*]

**Chap. 92.** AN ACT to authorize Albert Bowker and Joshua Bates to build and extend their Wharves.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May build and extend wharves.

Albert Bowker and Joshua Bates, proprietors of wharves and flats situate on Eagle and Chelsea Streets, in that part of Boston known as East Boston, and lying between the land and flats of the Glendon Rolling Mill and the Chelsea Free Bridge, are hereby authorized to build, extend and maintain, wharves from the said flats into the harbor channel, as far as the line established by the act entitled, "An Act to preserve that part of the Harbor of Boston called Chelsea Creek, and to prevent encroachments therein," passed on the second day of May, in the year one thousand eight hundred and forty-nine; and they shall have the right to lay vessels at the ends and sides of said wharves, and to receive wharfage and dockage therefor: *provided, however, that* this grant shall not be construed to extend to any flats or lands of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true line of such flats continued to the commissioners' line; and *provided, also, that* so much of the said wharves as

Rights, &c.

Proviso.

Provided, also.

may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in nowise affect the legal rights of any person or corporation. [*Approved by the Governor, April 3, 1856.*]

AN ACT to incorporate the Framingham Hotel Company.

Chap. 93.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. James W. Clark, C. C. Esty, Francis Jaques, Corporators. their associates and successors, are hereby made a corporation by the name of the Framingham Hotel Company, for Name. the purpose of erecting a hotel in the town of Framingham, Purpose. and maintaining the same, and the buildings and appurtenances connected therewith ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, Privileges, restrictions, &c. set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The whole amount of real and personal estate or capital stock, which said corporation may hold, for the purposes aforesaid, shall not exceed fifty thousand dollars : Capital stock, \$50,000. *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall be first issued ; and *provided, also*, that said corporation shall not carry on the business of hotel-keeping. Providio. Provided, also.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 3, 1856.*]

AN ACT to extend the time for locating and constructing the Rockport Railroad. Chap. 94.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time allowed to the Rockport Railroad Company for locating and constructing its railroad, is hereby extended to the first day of June, in the year eighteen hundred and fifty-seven. [*Approved by the Governor, April 3, 1856.*]

## Chap. 95.

AN ACT in relation to the Boston Clearing House.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Specie deposited,  
&c., to be deemed  
as actually in  
bank.

SECT. 1. The specie belonging to the banks in Boston, connected with the Boston Clearing House, and placed by them in a depository bank as special deposit, shall be taken and considered, in the returns required by law to be made to the Secretary of the Commonwealth, as specie actually in the bank depositing the same.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 5, 1856.*]

## Chap. 96. AN ACT relating to the return of Writs in Civil Actions before Justices of the Peace and Police Courts.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Return of writs,  
&c., in civil ac-  
tions.

In civil actions before justices of the peace and police courts, the writ, or other process, shall not be returnable earlier than nine o'clock in the forenoon, nor later than five o'clock in the afternoon, of the day on which said writ or other process is returnable. [*Approved by the Governor, April 5, 1856.*]

## Chap. 97. AN ACT to set off a part of the Town of Stoneham and annex the same to the Town of South Reading.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Annexed to  
South Read-  
ing.

Boundaries.

SECT. 1. All that part of the town of Stoneham, in the county of Middlesex, with the inhabitants thereon, lying north-easterly of the following described line, is hereby set off from the town of Stoneham and annexed to the town of South Reading, to wit: Beginning at the boundary between said towns of Stoneham and South Reading, at a stone monument in the Taylor Pasture, so called, and running south, twenty-one degrees east, one hundred and forty and five-tenths rods, to the wall on the northerly side of the road, called in South Reading, Albion Street, near its junction with Broadway, so called; thence south, thirty-seven degrees east, one hundred and fifty-seven and five-tenths rods, more or less, to the boundary line between said towns of Stoneham and South Reading, at the south-west corner of Crystal Lake, containing about one hundred and ninety acres: *pro-*

*vided, however*, that for the purpose of electing the representative to the general court, to which said town of Stoneham shall be entitled until the next apportionment of representatives, according to the provisions of the thirteenth article of amendment of the constitution, the said territory shall continue to be and remain a part of said town of Stoneham; and the selectmen of the said town of South Reading shall furnish to the selectmen of the town of Stoneham, fourteen days at least before the Tuesday next after the first Monday in November, annually, a true list of all persons resident on said territory, who may be entitled to vote in the choice of representative, as aforesaid, in said town of Stoneham.

To remain a part of Stoneham for election of representatives to general court.

Selectmen to furnish list of voters.

SECT. 2. The inhabitants and estates hereby set off shall be holden to pay all arrears of taxes which may have been legally assessed on them, by the town of Stoneham, before the passage of this act; and their proportion of all state and county taxes which the town of Stoneham may be required to pay previous to the taking of the next State valuation, the town of South Reading shall be holden to pay; said proportion to be ascertained and determined by the valuation of the town of Stoneham next preceding the passage of this act. And the town of South Reading is hereby required to pay, within a reasonable time after the assessment of such taxes, on demand, to the town of Stoneham, such proportion, ascertained and determined as aforesaid, of the state and county taxes required to be raised by the town of Stoneham.

Inhabitants to pay arrear taxes, as specified.

SECT. 3. The town of South Reading shall be liable for the support of all persons who may, after the passage of this act, stand in need of relief as paupers, whose settlement was gained by, or derived from, a residence within the limits of the territory set off as aforesaid.

Support of paupers.

SECT. 4. In case the surplus revenue of the United States, heretofore received by said town of Stoneham, should ever be refunded, the town of South Reading shall pay such proportion of the same as the valuation of the polls and estates of said territory bears to the whole valuation of said town of Stoneham.

Surplus revenue.

SECT. 5. This act shall take effect on and after its passage. [*Approved by the Governor, April 5, 1856.*]

**Chap. 98.** AN ACT to incorporate the Boston and Kennebec Steamboat Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Term.

Purpose.

Privileges, restrictions, &amp;c.

Capital not to exceed \$150,000.

Proviso.

Act not to affect legal rights, &amp;c.

SECT. 1. William B. Haseltine, Nathaniel Kimball, E. J. Taylor and Charles M. Carter, their associates and successors, are hereby made a corporation by the name of the Boston and Kennebec Steamboat Company, for the term of fifteen years, for the purpose of owning and running a steamboat or steamboats for the convenience of the public travel and the transportation of merchandise between the city of Boston and the city of Hallowell on the Kennebec river; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and all other laws that have been or may hereafter be enacted relating to steamboat companies.

SECT. 2. The capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars: *provided*, that no shares in said capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

SECT. 3. This act shall not be so construed as to affect the legal rights of any person or corporation whatsoever. [Approved by the Governor, April 7, 1856.]

**Chap. 99.**

AN ACT concerning Husband and Wife.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Wife of insane husband may apply to judge of probate for allowance, &amp;c.

Commissioners to determine amount.

Former act repealed.

SECT. 1. The wife of any person under guardianship for idiocy or insanity, may apply to the judge of the probate court for the county in which said guardian may reside, for an allowance for her support out of the estate of her husband, to be paid to her by said guardian during the continuance of such guardianship; and the amount of said allowance, if made, shall be determined by commissioners, appointed by the said judge of probate, whenever she shall petition for the same.

SECT. 2. The four hundred and fifty-eighth chapter of the acts of the year one thousand eight hundred and fifty-five, entitled an act providing for the maintenance of wives whose husbands are under guardianship for idiocy or insanity, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, April 7, 1856.]

AN ACT to cede to the United States Jurisdiction over certain Lands and Shoals in the City and Harbor of New Bedford, and for other purposes. Chap. 100

*Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Jurisdiction is hereby ceded to the United States over Egg Island Shoal, in the harbor of New Bedford, to include all of said shoal above or within low-water mark, and so much thereof without low-water mark, as shall be bounded by lines drawn four hundred yards distant from, and parallel to, the faces of any fort to be built thereon. Jurisdiction is also ceded to the United States over any tract or tracts of land on Clark's Point, in the city of New Bedford, that may be acquired by the United States for the purpose of building and maintaining thereon, forts, magazines, arsenals, dock-yards, wharves and other structures with their appendages; and over all the contiguous shores, flats and waters, within four hundred yards from low-water mark; and all right, title and claim which this Commonwealth may have to, or in the premises aforesaid, is hereby granted to the United States: *provided*, that this Commonwealth shall retain a concurrent jurisdiction with the United States in and over all the premises aforesaid, so far as that all civil processes, and such criminal processes, as may issue, under the authority of this Commonwealth, against any person or persons charged with crimes committed without the premises aforesaid, may be executed therein in the same way and manner as if jurisdiction had not been ceded as aforesaid.

SECT. 2. The premises over which jurisdiction is granted by this act, and all structures and other property thereon, shall be exonerated and discharged from all taxes and assessments, which may be laid or imposed under the authority of this Commonwealth, while said premises shall remain the property of the United States, and shall be used for the purposes intended by this act.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1856.*]

AN ACT concerning Vacancies in School Committees.

Chap. 101

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Whenever vacancies occur in the school committee of any town or city in this Commonwealth, or when from any cause any member or members of said committee

Returns to be  
valid.

are unable to act, the remaining member or members, together with the selectmen of said town, or the mayor and aldermen of said city, assembled in convention, shall, by joint ballot fill vacancies in said committee; and the school returns, signed by a majority of the committee thus constituted, shall be equally valid as if signed by a majority of the committee originally chosen.

SECT. 2. The convention provided for in section first shall be called by the remaining member or members of the said committee.

Inconsistent acts  
repealed.

SECT. 3. The act entitled, "An Act concerning vacancies in School Committees," approved May twenty-fourth, eighteen hundred and fifty-one, and all other acts or parts of acts, inconsistent with this act, are hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, April 8, 1856.]

**Chap. 102** AN ACT in addition to "An Act Suppressing Horse-Racing," approved on the eighth day of April, in the year eighteen hundred and forty-six.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Location, &c., of  
trotting parks.

SECT. 1. No land shall, within any town or city of this Commonwealth, be laid out or used as a race ground or trotting park, for admission to which, of persons or property, any money or other valuable consideration shall be directly or indirectly taken or required, without the previous consent of, and location by the selectmen of such town, or the mayor and aldermen of such city, who shall also, at any and all times, have the right to regulate and alter the terms and conditions under which the same shall be laid out, used, or continued in use, and to discontinue the same when, in their judgment, the public good so requires; and no land within this Commonwealth shall be used for any of the purposes mentioned in the act to which this is in addition.

Selectmen, &c.,  
may alter terms  
and conditions.

Unlawful race  
grounds to be  
deemed as nuis-  
ances.

SECT. 2. Every race ground or trotting park which shall be established, laid out, used or continued in use, contrary to the provisions of this act, or the act to which this is in addition, is hereby declared a common nuisance, and shall be abated as such.

Punishment for  
violation, &c.

SECT. 3. All persons owning, keeping, using, or permitting to be used, any race ground or trotting park, contrary to the provisions of this act, or of the act to which this is in addition, or aiding or abetting therein, shall be guilty of misdemeanor; and upon conviction thereof, shall be punished in the manner provided in the act to which this is in addition.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1856.*]

AN ACT to incorporate the Jamaica Plain Athenæum.

Chap. 103

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Stephen M. Weld, William P. Jarvis, Joseph W. Balch, Melancthon Smith, their associates and successors, are hereby made a corporation by the name of the Jamaica Plain Athenæum, for the purpose of establishing and maintaining, in the town of West Roxbury, in the county of Norfolk, a lyceum, public library, reading-room, and hall for lectures on scientific and literary subjects, and for promoting such other kindred objects as the members of said corporation shall, from time to time, deem advisable and proper ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of twenty-five thousand dollars, and personal estate to the amount of fifteen thousand dollars, and the whole capital stock of said corporation shall not exceed the sum of forty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 8, 1856.*]

AN ACT concerning the Middlesex Railroad Company.

Chap. 104

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time, within which ten per cent. of the capital stock of the Middlesex Railroad Company, is required to be paid in, by chapter four hundred and thirty-four of the acts of eighteen hundred and fifty-four, is hereby extended one year from the time now fixed by law. [*Approved by the Governor, April 8, 1856.*]

AN ACT concerning the Norfolk and Bristol Turnpike Corporation.

Chap. 105

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. So much of the act passed on the tenth day of February, in the year eighteen hundred and three, as



authorizes and empowers the Norfolk and Bristol Turnpike Corporation to construct a highway within the present limits of the city of Roxbury, is hereby repealed. And said corporation are no longer authorized to receive any tolls on the road which they made under and by virtue of said act, within the city of Roxbury, or to claim any right or interest whatever in the soil and freehold of the land over which said road passes, within the city of Roxbury, and they are relieved from their obligations to keep the same in repair : *provided*, that this act is not to interfere with the right of the county commissioners for the county of Norfolk, to lay out that part of said road as a common highway, and the said corporation are to claim no damages therefor ; and *provided, also*, that this act shall not be interpreted to interfere with the present right of said corporation, to collect toll on the remaining portion of their road.

Proviso.

Provided, also.

New road may be substituted on discontinuance of certain portion of turnpike.

SECT. 2. Whenever the rest of said turnpike is discontinued, abandoned, or laid out by the county commissioners, and the road contemplated by the plan of William A. Garbett, over land of Franklin Weld and others, in West Roxbury, and over the Boston and Providence Railroad, in said town, near the Forest Hills station, is completed, all the present road between the southern and northern *termini* of the new road in said town may be discontinued, and the new road, laid out on the plan of said Garbett, may be substituted therefor. [*Approved by the Governor, April 14; 1856.*]

## Chap. 106

AN ACT to incorporate the Gardner Library Association.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

Real and personal estate, \$20,000.

How appropriated.

SECT. 1. Charles C. Temple, Charles C. Hall, George A. Haynes, and Frank S. Hall, their associates and successors, are hereby made a corporation by the name of the Gardner Library Association, of Dorchester Lower Mills, for the purposes of moral and mental culture, the establishing and maintaining a library, the encouragement of the arts and sciences, and for charitable uses ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation may hold real estate to an amount not exceeding ten thousand dollars, and personal estate to an amount not exceeding ten thousand dollars, to be appropriated to the purposes aforesaid.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1856.*]

AN ACT in addition to an Act to extend Albany Street, in the City of Boston. *Chap. 107*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The city of Boston is hereby authorized to extend Albany Street to, and connect the same with, any bridge that may be constructed in pursuance of "An Act to extend Albany Street, in the city of Boston," passed on the nineteenth day of March, one thousand eight hundred and fifty-five, and also to take, fill up and grade, such land (whether covered by water or otherwise) as may be necessary for that purpose: *provided*, that such extension of said street shall not affect any rights of the Commonwealth in the land over which said street may be extended, nor the rights of any corporation now existing, nor the rights of any private individual. Extension of street.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1856.*]

AN ACT relating to Lunatics and Idiots.

*Chap. 108*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. When it shall be made to appear, on application in writing, to any two justices of the peace, one of whom shall be of the quorum, or to any police court, that any person, being within the jurisdiction of said justices or court, and having no known settlement within this Commonwealth, is a lunatic or insane, such justices or court are hereby authorized to order the confinement of such person in one of the State lunatic hospitals, instead of any county receptacle, or other county institution. Justices, &c., may order confinement of lunatics in State hospital.

SECT. 2. The superintendent of either of the State lunatic hospitals, with the consent of the trustees of said hospitals, may, at any time, send any persons committed to said hospitals by any justices or court, by virtue of this act, or any other act of this Commonwealth, having no known settlement in this Commonwealth, to either of the State almshouses, there to be supported, employed and governed, in the same manner as are persons sent to said almshouses by overseers of the poor. Superintendent, &c., may send person committed to State almshouse.

SECT. 3. When it shall be made to appear, on application,

Justices, &c.,  
may send idiots  
to State almshouse.

in writing, to any two justices of the peace, one of whom shall be of the quorum, or to any police court, that any person within the jurisdiction of said justices or court, and having no known settlement in this Commonwealth, is idiotic, and ought to be confined, said justices or court are hereby authorized and required to send such person to the nearest State almshouse, there to be supported, governed and employed, in the same manner as are persons sent to said almshouses by overseers of the poor.

Support of lunatics committed to State hospitals.

SECT. 4. All persons committed to either of the State lunatic hospitals, as provided in the first section, shall be supported at the expense of the Commonwealth: *provided*, if, at any time, it shall be ascertained that any of said persons have a settlement in any city or town in this Commonwealth, or any kindred obligated by law to maintain them, the treasurers of said hospitals may recover the expense of the support of said persons, in the manner provided in like cases in chapter forty-eight of the Revised Statutes.

Support of persons committed to State almshouse.

SECT. 5. If it shall be at any time ascertained, that any persons committed to either of the State almshouses, as provided in sections two and three, have a settlement in any city or town in this Commonwealth, or have any kindred obligated by law to maintain them, the inspectors of said almshouses may recover from said cities or towns, or from said kindred, all expenses that may have accrued for the support of the persons committed to said almshouses, as aforesaid.

Officers' fees, &c.

SECT. 6. In any case that may arise under this act, all magistrates and other officers, and all witnesses, shall receive the same fees and compensation for services performed, and for attendance and travel, as are allowed by law for like services in criminal proceedings, to be taxed, allowed and paid in the same manner.

Inconsistent acts repealed.

SECT. 7. All acts and parts of acts, inconsistent with this act, are hereby repealed.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1856.*]

### Chap. 109 AN ACT in addition to an Act to incorporate the East Boston Free Bridge.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

City authorized to purchase bridge, &c.

SECT. 1. The city of Boston is hereby authorized to purchase the bridge which the East Boston Free Bridge Corporation were authorized to build, by the act to which this

is in addition, and also any other property of said corporation, to hold and maintain the same for the purposes named in said act.

SECT. 2. The city of Boston is hereby authorized to construct such guards or piers, as the safety of said bridge may require.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1856.*]

AN ACT to incorporate the Salisbury Mills.

Chap. 110

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. William D. Pickman, Francis B. Crowninshield, William T. Eustis, their associates and successors, are hereby authorized to organize a corporation by the name of the Salisbury Mills, for the purpose of manufacturing woollen and cotton goods in the towns of Salisbury and Amesbury, in the county of Essex, with the right to hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount one million dollars ; and with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the one hundred and thirty-third chapter of the acts of the year eighteen hundred and fifty-one, and the several acts in addition thereto, except so much of said acts as limits the capital stock of such corporations to five hundred thousand dollars.

Corporators.

Purpose.

Real and personal estate, \$1,000,000.

Privileges, restrictions, &c.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 14, 1856.*]

AN ACT to authorize John Gary to extend his Wharf.

Chap. 111

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

John Gary, proprietor of a wharf situated in Charlestown, on the easterly side of Mystic River, and on the southerly side of Malden Bridge, is hereby authorized to extend and maintain his wharf, not exceeding its present width, towards the channel of Mystic River as far as the eighth pile pier of Malden Bridge, from the abutment thereof, being about ninety-six feet from the end of his present structure ; and he shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however, that this grant*

Wharf in Charlestown.

Rights, &c.

Proviso.

Provided, further.

shall not be construed to extend to any flats or land lying in front of the flats of any other person or of any corporation, or which would be comprehended by the true lines of such flats continued; and *provided, further*, that the wharf hereby authorized to be constructed, shall be built on piles, which piles shall not be nearer to each other, than six feet in the direction of the stream, and in a transverse direction shall be in a line with the pile piers of Malden Bridge, and that this act shall in no wise impair the legal rights of any person or corporation whatever; and *provided, also*, that said Gary shall remove so much of the timbers and stones, which constitute the landing of the old ferry, formerly known as Penny Ferry, as are outside of the line to which he is by this act authorized to extend his wharf. [*Approved by the Governor, April 15, 1856.*]

**Chap. 112** AN ACT in further addition to "An Act to establish the City of Cambridge."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Choice of assessors and assistants.

SECT. 1. The city council is hereby authorized to elect, by joint ballot, in convention, three persons to be assessors, one from each ward, who shall hold their offices for the term of three years, and until their successors are chosen and qualified; and such number of assistant-assessors as the city council may, from time to time, determine, who shall hold their offices for the term of one year.

Terms of office, how determined, &c.

SECT. 2. At the first election under this act, which shall be in January, in the year one thousand eight hundred and fifty-seven, three assessors shall be chosen, and the term of their office shall be determined by lot by the mayor and aldermen; one of the assessors so chosen shall remain in office until January, one thousand eight hundred and fifty-eight; the second shall remain in office until January, one thousand eight hundred and fifty-nine; and the third shall remain in office until January, one thousand eight hundred and sixty; after which first election, one assessor shall be elected during the month of January in each year, who shall hold his office for the term of three years.

Vacancies, how filled.

SECT. 3. Whenever a vacancy shall exist in the board of assessors or assistant-assessors, by neglect or refusal to serve, by death, resignation or any other cause, the city council shall, in like manner, fill the same as soon as may be after knowledge of the existence of such vacancy.

SECT. 4. The city council shall also, in the month of

January, annually, in convention, fill all vacancies that may exist in the board of overseers of the poor or school committee, by reason of a failure to elect by the inhabitants at their annual meeting. The candidates for filling such vacancies shall be determined in the manner provided in the constitution of the Commonwealth for filling vacancies in the State senate. All subsequent vacancies in either of said boards of officers, arising from a neglect or refusal to serve, by death, resignation or any other cause, may be filled by the city council, in like manner, from the citizens at large.

SECT. 5. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed. Vacancies in board of overseers, &c., how filled. Inconsistent acts repealed.

SECT. 6. This act shall be void unless the inhabitants of the said city of Cambridge, at a legal meeting called for that purpose, shall, by a majority of the voters present, and voting thereon by ballot, determine to adopt the same. *[Approved by the Governor, April 15, 1856.]* Act void unless, &c.

AN ACT concerning the Observance of Certain Days.

Chap. 113

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. There shall be no sessions of the general court of Massachusetts, for the transaction of ordinary business, and no sessions of the courts of this Commonwealth for the trial of causes upon the days herein specified, viz. :—The annual Thanksgiving and Fast days, Christmas day, the twenty-second day of February, and the twenty-third day of February when the twenty-second occurs on Sunday; the fourth day of July, and the fifth day of July when the fourth day occurs on Sunday : and all the public offices shall be closed upon the said days. Public business suspended on certain days.

SECT. 2. All bills of exchange, drafts and promissory notes or contracts whatsoever, that shall be due and payable, or to be executed upon the aforesaid days, or upon Sundays, shall be payable or performable upon the business day next preceding said days ; and, in case of non-payment or non-fulfilment, may be noted and protested upon such preceding day : *provided*, that it shall not be necessary for the holder or holders of such obligations aforesaid, to give notice of the dishonor, non-payment or non-fulfilment thereof, until the business day next following the days above specified ; and all notices so given shall be valid and effectual to all intents and purposes. Payment of drafts, &c. Proviso.

SECT. 3. The one hundred and eighty-second chapter of Acts repealed.

the statutes of one thousand eight hundred and thirty-eight, and the ninety-first chapter of the statutes of one thousand eight hundred and fifty-five, are hereby repealed. [*Approved by the Governor, April 15, 1856.*]

**Chap. 114** AN ACT concerning the Boston, Barre and Gardner Railroad Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time for constructing road extended to July 1, 1867.

SECT. 1. The time allowed to the Boston, Barre and Gardner Railroad Corporation, for constructing their railroad, is hereby extended to the first day of July, in the year one thousand eight hundred and fifty-seven.

Time for estimating damages extended three years.

SECT. 2. The time within which application may be made to the county commissioners, to estimate damages for land or property taken by said railroad corporation as provided in the Revised Statutes, is hereby extended for three years from and after the passage of this act, notwithstanding the said corporation may have heretofore filed the location of their railroad. [*Approved by the Governor, April 15, 1856.*]

**Chap. 115** AN ACT to incorporate the Fall River Athenæum.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

SECT. 1. Phineas W. Leland, Foster Hooper, Benjamin Earl, their associates and successors, are hereby made a corporation by the name of the Fall River Athenæum, to be established in the city of Fall River, in the county of Bristol, for the purpose of maintaining a library, advancing the useful arts and sciences, and for the preservation of objects of art and natural history ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Purpose.

Privileges, restrictions, &c.

Real and personal estate, \$30,000; how appropriated.

SECT. 2. Said corporation may hold real and personal estate to an amount not exceeding thirty thousand dollars, to be appropriated exclusively to the purposes set forth in section first of this act. [*Approved by the Governor, April 15, 1856.*]

AN ACT concerning the Registry of Deeds in the Town of Littleton.

Chap. 116

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The town of Littleton, in the county of Middlesex, is hereby set off to the northern district in said county, for the registry of deeds; and all deeds, conveyances, and other instruments therein, now required by law to be recorded in Cambridge, shall hereafter be recorded in the office for the registry of deeds at Lowell, in said district.

Deeds, &c., in Littleton, to be recorded in Lowell.

SECT. 2. This act shall take effect on and after the first day of June, in the year one thousand eight hundred and fifty-six. [*Approved by the Governor, April 15, 1856.*]

When to take effect.

AN ACT to incorporate the Trustees of the Worcester District Methodist Episcopal Church Camp-Meeting Association.

Chap. 117

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Jonathan D. Bridge, of Wilbraham, Daniel E. Chapin, of Lowell, J. C. Lane, of Leominster, William H. Thurston, of Oxford, and George M. Buttrick, of Barre, their associates and successors, are hereby made a corporation by the name of the Worcester District Methodist Episcopal Church Camp-Meeting Association; with all the powers and privileges, and subject to all the duties, restrictions, and liabilities set forth in the forty-fourth chapter of the Revised Statutes of this Commonwealth.

Corporators.

Name.

Privileges, restrictions, &c.

SECT. 2. Said corporation shall have power to receive, hold and manage all the property, real and personal, belonging to said association; and any gift, grant, bequest or donation, that may be made to them for the benefit of said association, shall be held in trust for the support and maintenance of the camp-meeting, under the direction of said association: *provided*, the amount thereof shall not exceed five thousand dollars.

Corporation to manage property of association.

Gifts, grants, &c., to be held in trust, &c.

Proviso.

SECT. 3. The number of trustees of the aforesaid association shall, at no time, be less than five, or more than nine, a majority of whom shall constitute a quorum for doing business; and all vacancies that may occur by death, or otherwise, shall be filled by the preachers and tent-masters of said camp-meeting, at the annual meeting.

Number of trustees.

Vacancies, how filled.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 15, 1856.*]



**Chap. 118** AN ACT to provide for the election of a Register of Deeds for the County of Suffolk.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Election of register of deeds for Suffolk County.

SECT. 1. On the fourth Monday of April, in the year one thousand eight hundred and fifty-six, there shall be chosen by the qualified voters in the county of Suffolk, a suitable person, being a resident of said county, to be a register of deeds therefor, who shall hold his said office until the annual election which will be in the year one thousand eight hundred and fifty-eight, and until another shall be chosen and qualified in his stead, and no longer.

Future elections.

SECT. 2. At the annual election in the year one thousand eight hundred and fifty-eight, there shall be chosen in the manner aforesaid, a suitable person, being a resident in said county, to be register of deeds therefor, who shall hold his said office on the same terms and for the same length of time as registers of deeds who shall be elected in the other counties in this Commonwealth (except Nantucket) under the provisions of chapter ninety-two of the acts of the year one thousand eight hundred and fifty-five, entitled, "An Act concerning the election of County Treasurers and Registers of Deeds." And thereafter, the register of deeds in said county of Suffolk shall be chosen and shall hold his office in the same manner as if said county of Suffolk had not been excepted from the operation of the act aforesaid.

Duty of town and city officers.

SECT. 3. The officers of the several wards, and the city clerk of the city of Boston, and the selectmen and the town clerks of the several towns in said county of Suffolk, shall perform all the duties in respect to said election which would have been required of them under said act, had the county of Suffolk not been excepted from the operation thereof.

Board of aldermen to exercise same power as county commissioners, &c.

SECT. 4. The board of aldermen of the city of Boston shall, as to all matters relating to said register of deeds, have the like powers and perform the like duties as are exercised and performed by county commissioners in other counties, except that they shall within ten days after said election, examine the returns of votes given for said register of deeds, and certify the result in the form prescribed by law.

Inconsistent laws repealed.

SECT. 5. This act shall take effect on and after its passage, and all laws inconsistent herewith, are hereby repealed. [Approved by the Governor, April 19, 1856.]

AN ACT to authorize Augustus C. Carey to build a Wharf.

Chap. 119

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Augustus C. Carey is hereby authorized to build <sup>Wharf in Ipswich.</sup> and maintain a wharf extending from his lot of land, and adjoining land of Isaiah Rogers and Isaiah A. Rogers, in the town of Ipswich, one hundred feet ; and shall have the <sup>Rights, &c.</sup> right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor : *provided*, that <sup>Proviso.</sup> this grant shall not interfere with the legal rights of any person or persons.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1856.*]

AN ACT to incorporate the Boston and Cape Cod Marine Telegraph Company. Chap. 120

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. George Marston, Henry Crocker, Silvanus B. <sup>Corporators.</sup> Phinney, Thomas Harris and A. J. Baldwin, their associates and successors, are hereby made a corporation by the name of the Boston and Cape Cod Marine Telegraph Company, for the purpose of owning and maintaining the line of mag- <sup>Purpose.</sup> netic telegraph now erected from the city of Boston, along the line of the Old Colony and Fall River, and the Cape Cod Railroads, and thence to Chatham and Provincetown in the county of Barnstable ; and of constructing and maintaining an extension of the same to such other points on the southern shore of Massachusetts as may hereafter, by said corporation, be deemed expedient ; with all the powers and <sup>Privileges, restrictions, &c.</sup> privileges, and subject to all the duties, restrictions and liabilities, provided in the statutes relating to telegraph companies, heretofore passed.

SECT. 2. The said corporation shall have authority to <sup>May construct lines of telegraph.</sup> erect such telegraph lines, under the rules provided by law, in all the towns of this Commonwealth through which such lines may pass, and to sink submarine cables of wires in such places as may be necessary.

SECT. 3. The certificate required to be filed by the third <sup>Certificate to be filed.</sup> section of the two hundred and forty-seventh chapter of the statutes passed in the year eighteen hundred and fifty-one, shall be filed by said corporation within ten days after the organization of the same, and the election of its officers.

SECT. 4. The capital stock of said corporation shall be

Capital stock,  
\$30,000; may  
increase to  
\$70,000.

thirty thousand dollars, with the privilege of increasing the same to any sum not exceeding seventy thousand dollars; and said corporation may hold real estate not exceeding five thousand dollars in value. [*Approved by the Governor, April 19, 1856.*]

**Chap. 121** AN ACT to prevent the evasion of the Laws for the Suppression of Lotteries.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Sections of chap.  
182 B. S., to ap-  
ply to certain per-  
sons.

SECT. 1. The provisions of the first, second and third sections of the one hundred and thirty-second chapter of the Revised Statutes, shall be held to apply to every person who shall dispose of, or offer or attempt to dispose of, any real or personal property, under the pretext of a sale, gift or delivery of any other property, or any right, privilege or thing whatever, with an intent to make the disposal of such real or personal property dependent upon or connected with any chance by lot, dice, numbers, game, hazard, or other gambling device, whereby such chance or device is made an additional inducement to the disposal or sale of said property.

Property liable to  
forfeiture to Com-  
monwealth.

SECT. 2. All such property so disposed of, or offered to be disposed of, shall be liable to forfeiture to the Commonwealth, under the provisions of the eighth section of the same chapter. [*Approved by the Governor, April 19, 1856.*]

**Chap. 122** AN ACT establishing a Probate Court in North Bridgewater, in the County of Plymouth, and changing the time of holding the Probate Court at Middleborough, in said County.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Probate court es-  
tablished.

Time for holding  
court changed.

SECT. 1. There shall be a probate court held every year on the last Tuesday in July, at North Bridgewater, in the county of Plymouth; and the probate court by law heretofore holden at Middleborough, in said county, on the first Tuesday of November, shall hereafter be holden at said Middleborough on the last Tuesday of October, in every year.

Inconsistent acts  
repealed.

SECT. 2. All acts or parts of acts, inconsistent with this act, are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1856.*]

AN ACT to punish Frauds in Officers of Corporations, and other persons. *Chap. 123*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Any officer, agent, clerk or servant, of any corporation or any other person, who shall issue, or sign, with intent to issue, any certificate of stock in any corporation, beyond the amount authorized by law, or limited by the legal votes of such corporation or its proper officers, or shall negotiate, transfer or dispose of, such certificate, with intent to defraud, shall be punished by imprisonment in the State prison for a term not exceeding ten years, or in the house of correction for a term not exceeding one year.

Punishment for issuing certificates of stock beyond limit by law;

SECT. 2. Any officer, agent, clerk or servant, of any corporation, or any other person, who shall fraudulently issue or transfer any certificate of the stock of any corporation to any person not entitled thereto, or shall fraudulently sign such certificate, in blank or otherwise, with the intent that it shall be so issued or transferred, by himself or any other person, shall be punished by imprisonment in the State prison for a term not exceeding ten years, or in the house of correction for a term not exceeding one year.

for fraudulently issuing or transferring certificates of stock, &c.;

SECT. 3. Any officer, agent, clerk or servant, of any corporation, who shall make any false entry in the books thereof, with intent to defraud, and any person whose duty it shall be to make in such books a record or entry of the transfer of stock, or of the issuing or cancelling of certificates thereof, or of the amount of stock issued by such corporation, who shall omit to make a true record or entry thereof, with intent to defraud, shall be punished by imprisonment in the State prison for a term not exceeding ten years, or in the house of correction for a term not exceeding one year.

for making false entries, &c.

SECT. 4. On the trial of any person for any offence under this act, the books of any corporation, to which such person had access, or the right of access, shall be admissible in evidence.

Books of corporation admitted in evidence.

SECT. 5. Nothing in this act contained shall be construed to affect any civil rights or liabilities growing out of any act or omission for which punishment is herein provided.

Civil rights, &c., not affected.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1856.*]

**Chap. 124** AN ACT in relation to a Burying-Ground in the Town of West Roxbury.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Selectmen to define limits of burying-ground, and appoint undertakers.

SECT. 1. That the selectmen of the town of West Roxbury be, and they hereby are, authorized and empowered to prescribe the limits, and to define what shall be the boundaries within which the dead shall be interred on the land owned by the Reverend Patrick O'Beirne, upon which land said O'Beirne was authorized to establish a burying-ground by the city of Roxbury, in the year of our Lord one thousand eight hundred and forty-nine; and the said selectmen, after establishing said limits, are authorized to appoint undertakers for said burying-ground: and the said burying-ground shall be under the same laws, regulations, restrictions and limitations, as apply to other burying-grounds in this Commonwealth.

Authorized to lay out highway.

SECT. 2. The county commissioners for the county of Norfolk, or the selectmen of the town of West Roxbury, are hereby authorized and empowered to lay out a highway across the land above described, of the said O'Beirne, agreeably to the plan of said highway, described in a plan drawn by William A. Garbett, under date of May twenty-fifth, eighteen hundred and fifty-five, if they shall judge public convenience requires said highway, upon awarding to said O'Beirne such damages as they who lay out said highway may adjudge to be reasonable, the award to be subject to the same appeal as is authorized in other awards for land damages.

Appeal.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 19, 1856.*]

**Chap. 125**

AN ACT relating to Lists of Jurors.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Lists of jurors to be revised and posted.

SECT. 1. The lists of jurors, required by law, shall be carefully prepared and revised once in each year, and posted up in public places, in the town or city, by the selectmen, or the mayor and aldermen of the several towns or cities for which they are prepared, ten days, at least, before they are to be submitted for revision and acceptance.

Common councils to exercise same power as towns.

SECT. 2. The lists of jurors, now required to be prepared by the mayor and aldermen of cities, shall be submitted to their respective common councils, which councils shall exer-

cise the same power to revise and accept them, that is exercised by towns.

SECT. 3. The one hundred and sixty-seventh chapter of the statutes of the year one thousand eight hundred and fifty-five, is hereby repealed. Act repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 21, 1856.*]

AN ACT in addition to an Act to incorporate the Bank of Mutual Redemption. *Chap. 126*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The act to which this is in addition, is hereby amended, as follows: The purpose for which said bank is incorporated, is for redeeming the bills of New England banks. The stock of said bank shall be subscribed and held only by the banks in the New England States; and the several banks in this State are authorized to subscribe to said stock by a vote of their directors: *provided*, that no bank shall be authorized to subscribe to said capital stock to an amount exceeding five per cent. of the capital of said bank actually paid in, nor exceeding the sum of twenty thousand dollars. Act amended. Subscriptions to capital stock. Proviso.

SECT. 2. Whenever five hundred thousand dollars shall have been subscribed as aforesaid, said bank may proceed to organize: *provided*, it shall not commence business until the sum of one million dollars shall have been subscribed, and one-half of the amount paid in. When to organize. Proviso.

SECT. 3. Any stockholder in any bank which is the owner of stock in said bank of Mutual Redemption, shall be eligible as a director: *provided*, that at least three-fourths of the directors shall be inhabitants of this State, and all of them inhabitants of the New England States. Eligibility of directors. Proviso.

SECT. 4. Said bank shall not issue bills of less denomination than five dollars, and shall be subject to the same restrictions, and entitled to the same privileges, except as is provided in the act to incorporate the bank of Mutual Redemption, and in this additional act, as the banks in this Commonwealth. Issue of bills.

SECT. 5. No individual shall, at any time, be debtor to said bank to an amount exceeding sixty thousand dollars. Debtors limited.

SECT. 6. The amount of circulation shall never exceed, for more than three consecutive days, three times the amount of specie held by said bank. Circulation.

SECT. 7. Said bank shall always show in its weekly Weekly returns

to show 10 per cent. paid in, &c.

return, at least ten per cent. of its capital stock paid in, in current gold or silver coin: and it shall be the duty of the bank commissioners, should said bank violate this provision, to apply to the nearest judge of the supreme judicial court, for an injunction on said bank.

Inconsistent provisions repealed.

SECT. 8. Such parts of the provisions of the act to which this is in addition, as are inconsistent herewith, are hereby repealed.

SECT. 9. This act shall take effect on and after its passage. [*Approved by the Governor, April 24, 1856.*]

### Chap. 127

AN ACT to authorize the Boston and Lowell Railroad Corporation to establish an additional Branch Track of their Railroad, in the City of Lowell.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Branch track in Lowell.

SECT. 1. The Boston and Lowell Railroad Corporation are hereby authorized and empowered to locate, construct and maintain, a branch of their railroad, not exceeding twenty feet in width, in the city of Lowell, as follows:—

Boundaries.

Beginning on the main track of their railroad on Dutton Street, at a point northerly of the bridge over the Merri-mack Canal, so called, at the intersection of Market Street with said Dutton Street, and thence running and curving to the right, across the said canal, into and across the "Grove Lot," so called, to Shattuck Street; thence across said Shattuck Street at right angles, or nearly so, into a passage-way or alley, between Market and Middle Streets; thence down said alley to the end thereof, and thence in the same direction to the east side of a cross alley-way, in rear of the building erected by Amos B. French, on land of Jonathan Tyler.

Freight.

SECT. 2. Said corporation shall not charge for freight between other railroads and said branch, higher rates than they shall charge for freight of the various manufacturing companies between such other railroads and existing branch railroads in Lowell, owned by said Boston and Lowell Railroad Corporation; and other railroad corporations, whose railroads terminate in Lowell, shall have all reasonable and proper facilities and dispatch, in the use of said branch hereby authorized.

Subject to general laws, &c.

SECT. 3. Said corporation shall, with respect to the branch hereby authorized, be subject to all the duties, liabilities and restrictions, and have all the powers and privileges, provided in the thirty-ninth chapter of the Revised Statutes, and in all general laws which are now, or may be hereafter, in

force, relating to railroad corporations in this Commonwealth.

SECT. 4. The motive power used by the said corporation, upon the aforesaid branch, and the rate of speed thereon, may be regulated and controlled by any ordinance of the city of Lowell: *provided*, that in no case shall steam be used as a motive power upon said branch. And the mayor and aldermen of said city of Lowell may have and exercise, in respect to the said branch, all the powers given to county commissioners, by the two hundred and seventy-first chapter of the statutes of the year eighteen hundred and forty-six, and by the three hundred and fiftieth chapter of the statutes of the year eighteen hundred and fifty-five.

Motive power and speed.

SECT. 5. Any bridge or other structure which the said corporation may erect over said Merrimack Canal, for said branch track, shall be so erected and constructed, as not to obstruct or impede the flow of the waters in and along said canal.

Waters of canal not to be obstructed.

SECT. 6. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1856.*]

AN ACT to incorporate certain persons by the name of the Margaret Coffin Prayer Book Society. *Chap. 128*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. That E. M. P. Wells, Annie S. Robbins, and Elmira Tarbell and their associates, be, and they hereby are, made a body politic and corporate, under the name of the Margaret Coffin Prayer Book Society, for the purpose of procuring, circulating, and distributing the book of common prayer, according to the use of the Protestant Episcopal Church in the United States of America, to such extent and in such edition or editions thereof as they may cause to be printed on their account, or may otherwise lawfully procure; and such distribution may be gratuitous or at such price or prices as in each case said corporation may, under its by-laws, or by its officers, order and prescribe; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes; and for the purposes aforesaid, the said corporation shall be, and it hereby is, authorized to make purchases, and to receive gifts, grants, bequests or devises of real and personal estate, and to hold the same for the purposes aforesaid: *provided*,

Corporators.

Purpose.

Privileges, restrictions, &c.

May hold real and personal estate.

Proviso.



that the income of the real estate so granted or devised, together with the interest of the personal estate, shall not exceed the sum of five thousand dollars; with full liberty and power to manage and dispose of or convey the same, and to change the investment of the same from time to time, as to said corporation shall appear fit.

**Annual meetings.** SECT. 2. The said corporation shall hold its annual meeting at Boston, in the county of Suffolk, at such time in the year as shall by a by-law of the corporation be fixed for that purpose. [*Approved by the Governor, April 24, 1856.*]

**Chap. 129** AN ACT in addition to an Act to incorporate the Congregational Society in the Second Precinct in Attleborough.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

**Investment of funds.**

SECT. 1. The Congregational Society in the second precinct in Attleborough, are hereby authorized and empowered to invest the funds which now belong to said society, or may hereafter be acquired by them, in the purchase of the pews in the meeting-house in said second precinct; and after the purchase of said pews, to appropriate any balance remaining in their hands, to the repair, alteration and improvement of said meeting-house, or to the rebuilding of the same, whenever it shall be deemed necessary by said society: *provided, however,* that the said pews, so purchased, shall be rented at public auction or otherwise, and the income and proceeds thereof shall be appropriated to the support of a congregational minister in said parish, according to the intent and provisions of the act to which this is an addition.

**Proviso.**

**Surplus, how appropriated.**

SECT. 2. Any surplus arising from the rents of said pews, after paying the stated salary of such minister aforesaid, shall be annually paid over, and returned to the trustees of said society, and by them received and put to interest, agreeably to the provisions of said act of incorporation, and shall be suffered to accumulate till the same shall amount to the sum of four thousand dollars; after which time the said society may appropriate the interest, or annual income thereof, or any part of the same, to the encouragement and improvement of church music, and to the payment of any incidental expenses of supporting public worship in said parish.

**Real estate not to exceed \$20,000.**

SECT. 3. Said society shall be capable, in law, to purchase, hold and dispose of a meeting-house in said parish, and land on which the same may stand, and also a parsonage for the use of the ministry, and other real estate, not

exceeding, in the whole, the value of twenty thousand dollars.

SECT. 4. The conveyance of the present meeting-house and lot on which the same stands, heretofore made to said society, and the purchase by said society of any pews in said house, are hereby confirmed and made valid in law. Former proceedings valid.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1856.*]

AN ACT in relation to Appeals in Criminal Cases.

Chap. 130

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Police courts and justices of the peace shall have the same authority to bind by recognizance, witnesses in criminal cases, in which an appeal is taken, as is now vested in them when a prisoner is admitted to bail, or committed by the provisions of the one hundred and thirty-fifth chapter of the Revised Statutes. Recognizance of witnesses.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1856.*]

AN ACT to authorize the Congregational Library Association, of Boston, to hold additional Real and Personal Estate.

Chap. 131

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Congregational Library Association, of Boston, is hereby authorized to hold real and personal estate to the amount of one hundred and fifty thousand dollars, in addition to the amount that said corporation is now authorized by law to hold : *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for the purposes of said corporation, as set forth in the act of incorporation, passed April twelfth, in the year eighteen hundred and fifty-four. Additional real and personal estate. Provide.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 24, 1856.*]

**Chap. 132** AN ACT to set off a part of the Town of Braintree and annex the same to the Town of Quincy.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Description of  
territory set off.

SECT. 1. So much of the town of Braintree, in the county of Norfolk, as lies northerly of a line, beginning at the present town bound, between the towns of Braintree and Quincy, in the channel on Fore River ; thence following the channel to the mouth of Hayward's Creek ; thence following in the centre of said creek to the centre of the bridge at the turn-pike ; thence following the creek to the culvert at Howard Street, being two hundred and seventy-one rods, more or less ; thence west, three degrees south, three hundred fifty-six rods, to a stone bound on Washington Street, between the said towns of Braintree and Quincy, with all the inhabitants and estates thereon, is hereby set off from the town of Braintree and annexed to the town of Quincy : *provided, however,* that for the purpose of electing representatives to the general court, to which the said town of Braintree is entitled, until the next decennial census shall be taken, in pursuance of the thirteenth article of amendment to the constitution, the said territory shall remain and continue to be a part of the town of Braintree ; and the inhabitants resident therein shall be entitled to vote in the choice of such representatives, and shall be eligible to the office of representative in the town of Braintree, in the same manner as if this act had not been passed.

Unaltered as to  
representatives.

Taxes.

SECT. 2. The said inhabitants and estates so set off shall be liable to pay all taxes, that have been legally assessed on them by the town of Braintree, in the same manner as if this act had not been passed : and until the next general valuation of estates in this Commonwealth, the town of Quincy shall annually pay over to the said town of Braintree the proportion of any state or county tax, which the said town of Braintree may have to pay upon the inhabitants or estates hereby set off.

To pay proportion  
of town  
debt.

SECT. 3. The said inhabitants and estates so set off shall be liable to pay their proportion of the existing town debt of the town of Braintree, according to the amount thereof at the time of the passage of this act ; the same to be assessed upon said inhabitants and estates in accordance with the last general valuation of estates in this Commonwealth : *provided, however,* that the same when assessed shall be collected by said town of Braintree, in three equal annual instalments, in the years eighteen hundred fifty-six, eighteen

Previso.

hundred fifty-seven and eighteen hundred fifty-eight : and in order to fix the amount of said town debt, the selectmen of Braintree shall, on or before the first day of May next, take the amount due and owing by said town of Braintree, and deduct therefrom all sums of money, and notes and bills receivable, considered good, held by said town, and the balance left shall be the amount of said debt, which shall, on or before said first of May next, be certified and sworn to by said selectmen, and filed with the town treasurer of said town of Braintree.

SECT. 4. If any persons who have heretofore gained a legal settlement in the town of Braintree, by reason of a residence on the territory set off as aforesaid, or by having been proprietors thereof, or who may derive such settlement from any such resident or proprietor, shall stand in need of relief or support, as paupers, they shall be relieved and supported by the said town of Quincy in the same manner as if they had gained a legal settlement in that town. Support of paupers.

SECT. 5. The selectmen of the town of Quincy shall, annually, until the next decennial census, fourteen days at least before the Tuesday next after the first Monday of November, furnish to the selectmen of Braintree, a correct list, so far as may be ascertained from the records of the town of Quincy, or any of its officers, of all persons resident on the territory hereby set off, who shall be entitled to vote for representatives as aforesaid, in Braintree. Quincy to furnish list of voters.

SECT. 6. This act shall take effect from and after its passage. [Approved by the Governor, April 24, 1856.]

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AN ACT concerning the Boston and Chelsea Railroad Company.

Chap. 133

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The four hundred and forty-fifth chapter of the acts of eighteen hundred and fifty-four, is hereby so amended, that the time fixed by the twelfth section thereof, shall be extended to one year from the passage of this act. [Approved by the Governor, April 28, 1856.] Act amended.

**Chap. 134** AN ACT establishing a new Boundary Line between Salem and South Danvers.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Boundary line established.

SECT. 1. The dividing line between the city of Salem and the town of South Danvers is hereby established and declared to be as follows, to wit:—Beginning at a point on the line between Danvers and South Danvers one hundred rods from the bound stone at Peters' Point, thence southerly in a straight line to a point on the southerly side of the Topsfield Road in a line with the north-westerly side of the house, now or formerly occupied by William Phelan; thence on the southerly side of said Topsfield Road to the easterly corner of Highland Street; thence on the easterly side of Highland Street to Tremont Street; thence by the northerly side of Tremont Street to a point opposite the north-westerly corner of Harmony Grove Cemetery; thence by said cemetery to the bound stone near the south-westerly corner thereof; thence by the creek to a point in a line with the easterly side of the old burial ground; thence by said line and the burial ground to a point twelve feet easterly of the south-westerly corner of said burial ground; thence south twenty-four and one-half degrees west, fifty-two rods fifteen links; thence south-westerly in a straight line to a point in the line between Salem and Lynn where said line strikes the south-westerly side of Spring Pond, and all the inhabitants and estates on the territory east and south of said line are hereby set off from the town of South Danvers and annexed to the city of Salem, and all the inhabitants and estates north and west of said line are hereby set off from the city of Salem and annexed to the town of South Danvers: *provided*, that the inhabitants and land thus set off shall be holden to pay all taxes heretofore assessed, in the same manner as if this act had not been passed; and *provided, further*, that the inhabitants hereby set off from Salem, shall continue to be a part of Salem, and the inhabitants hereby set off from South Danvers, shall continue to be a part of South Danvers, for the purpose of electing state officers, senators and representatives to the general court, representatives to congress, and electors of president and vice-president of the United States, until the next decennial census shall be taken, or until another apportionment of representatives to the general court shall be made.

Concerning taxes.

Provision for choice of State and Federal officers.

Privileges to Peabody Institute.

SECT. 2. The inhabitants residing in that portion of the territory of South Danvers which is set off to Salem, shall

be entitled to all the privileges of the Peabody Institute, in South Danvers, in the same manner as if this act had not passed.

SECT. 3. The city of Salem and the town of South Danvers shall be liable, respectively, for the support of all persons <sup>Support of paupers.</sup> who now do, or may hereafter, stand in need of relief as paupers, whose settlement was gained by, or derived from, a settlement gained or derived within the limits of those portions of territory, which by this act are set off to said city and town.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1856.*]

AN ACT in addition to an Act entitled, "An Act for the removal of Insane Convicts from the State Prison."

Chap. 135

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The commission for the examination of convicts in the State prison, alleged to be insane, provided for in the one hundred and twentieth chapter of the acts of eighteen hundred and forty-four, shall consist of the physician of the State prison, together with the superintendents, for the time being, of the State lunatic hospitals. <sup>Commission for examining insane convicts.</sup>

SECT. 2. So much of the one hundred and twentieth chapter of the acts of eighteen hundred and forty-four, before mentioned, to which this act is in addition, and all other acts and parts of acts, inconsistent herewith, are hereby repealed. <sup>Inconsistent acts repealed.</sup>

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1856.*]

AN ACT in relation to ordering a Stay or Supersedeas of Executions.

Chap. 136

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Whenever, after the rendition of judgment in a civil action, the defendant shall petition for a stay or supersedeas of the execution, before the ordering of said stay or supersedeas, the petitioner shall give security to the satisfaction of the court, with condition that he will pay the amount of said judgment and interest thereon, unless it appears on the final judgment, in an action of review, that a less amount is due than that for which the original judgment was rendered; and in that case, he shall pay the amount found due on said final judgment. [*Approved by the Governor, April 30, 1856.*] <sup>Defendants petitioning for a stay of execution, to give security, &c.</sup>

**Chap. 137** AN ACT altering the Boundary Line between the Towns of Cambridge and Somerville, and annexing portions of each to the other.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Boundary line defined.

SECT. 1. The dividing line between the towns of Cambridge and Somerville shall hereafter be as follows :—Beginning in Milk Row, (so called,) at a point, being twenty feet and eight inches distant from the point on Milk Row, where the land of Anna Hunnewell is divided from the land of Benjamin Rand, and thence running in a north-easterly direction, along the boundary line of said estates, there measuring from Milk Row two hundred and twenty-two feet and four inches, then turning at a right angle and running north-westwardly along the west side of a court until it strikes Cottage Street, (so called,) there measuring two hundred and ninety-six feet and six inches, then turning and running along the southerly side of said Cottage Street, in a direction north of west, until it reaches Elm Street, (so called,) there measuring three hundred and eight feet, until it intersects, on the westerly side of Elm Street, the line heretofore established between the said towns.

Northerly side annexed to Cambridge.

SECT. 2. All the territory and persons which are situated on the northerly side of the above described line, are hereby set off from the said Somerville, and are annexed to said Cambridge; and all the territory and persons which are situated on the southerly side of the above described line, are hereby set off from said Cambridge and annexed to said Somerville.

Southerly side annexed to Somerville.

Taxes.

SECT. 3. All taxes heretofore assessed upon the said territories, and upon the persons resident thereon, shall be collected in the same manner as if this act had not been passed. [*Approved by the Governor, April 30, 1856.*]

**Chap. 138**

AN ACT concerning the Fitchburg Railroad Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time for filing locations extended one year.

SECT. 1. That the time fixed for filing the location of the railroad of the Fitchburg Railroad Company, and its branches, agreeable to the act authorizing the same, which act was approved by the governor the twenty-seventh day of April, in the year one thousand eight hundred and fifty-five, is hereby extended one year beyond the first day of April, in the year one thousand eight hundred and fifty-six.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1856.*]

AN ACT in addition to an Act to establish the Dorchester and Milton Extension Railroad. Chap. 139

*Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time within which the Dorchester and Milton Extension Railroad Company is required to file the location of its road, is hereby extended to the twenty-ninth day of April, eighteen hundred and fifty-seven. [*Approved by the Governor, April 30, 1856.*]

Time for filing location extended one year.

AN ACT to incorporate the Ladies' Charitable Association, at Haverhill. Chap. 140

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Ellen P. Minot, Sarah F. Gould, Sarah N. Smiley, Emeline Bradley, Sarah Palmer, their associates and successors, are hereby made a corporation by the name of the Ladies' Charitable Association, at Haverhill, for the purpose of taking, holding, investing and distributing, such funds as they now have, or may hereafter be given them, for the charitable and benevolent objects of their association ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.  
Name.  
Purpose.  
Privileges, restrictions, &c.

SECT. 2. Said corporation shall have power to establish such rules and regulations, for the management of their association, as a majority of the members may, from time to time, determine to be expedient and proper.

Rules, &c.

SECT. 3. The funds of this association shall not, at any time, exceed twenty-five thousand dollars.

Funds not to exceed \$25,000.

SECT. 4. This act shall take effect on and after its passage. [*Approved by the Governor, April 30, 1856.*]

AN ACT to reannex Chelsea to Boston.

Chap. 141

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. All that territory now comprised within the limits of the town of Chelsea, in the county of Suffolk, with all the inhabitants and estates therein, is hereby reannexed to the city of Boston, in said county, and shall hereafter be

Annexation.



considered and deemed to be a part of the city of Boston, except only as hereinafter provided.

Territory transferred to continue a representative district.

SECT. 2. The territory hereby transferred, with the inhabitants residing therein, shall continue to constitute a fixed representative district for the election of representatives to the general court, and, for the purpose of sending representatives, shall continue to be a corporation; and for this purpose and the purposes necessary therefor, but for none other, preserve and retain its corporate existence.

Annual meetings.

An annual meeting of the inhabitants of said territory shall be held in March or April, at which shall be chosen a town clerk and three selectmen, but no other officers. It shall be the duty of the selectmen, so chosen, to call the annual meetings, and also all meetings for the election of town representatives, to decide on the qualifications of voters at such meetings, to receive the return of the votes cast, to certify the result, and to discharge all other duties respecting such annual meetings, and respecting the election of town representatives, in the same manner, and to the same extent, as selectmen of other towns now do.

Warrants.

The warrants for all meetings, called in pursuance of this section, shall be signed by the selectmen, or a majority of them, and directed to some person or persons appointed by them for that purpose, who shall forthwith notify such meeting, by posting the same, or copies thereof, in twenty of the most public places in said town, at least fifteen days before the time of such election; and in case of the neglect, refusal or inability of the selectmen to call any of the said meetings, any justice of the peace of the county, may, upon application to him in writing, by ten or more of the legal voters of said town, call such meetings, by a warrant under his hand, directed to one or more persons, who shall notify such meetings by posting the same, or copies thereof, in the same manner as is provided in this section for warrants issued by the selectmen; and the justice who shall have issued the warrant, shall preside at the meeting so called, and discharge all the duties, which the selectmen might have performed. At all meetings for the election of representatives, the qualified voters present, or a majority of them, may consider and decide whether they will choose representatives or not, and what number they will send. If by reason of the neglect to choose and return members to the house of representatives, agreeably to the constitution, the said house shall impose a fine on said town or its inhabitants, the fine so imposed shall be assessed upon, and paid by, said town or its inhabitants, and the selectmen are hereby authorized to assess and collect said

Fine for non-election of representatives.

fine. It shall be the duty of the selectmen, prior to every annual meeting, and to every meeting for the election of representatives, to make out and post lists of all the inhabitants of said town, qualified to vote at such meetings, in the manner in which selectmen and assessors are required to make out similar lists of voters; and for that purpose, they shall have free access to the assessors' books and lists, and be entitled to the aid and assistance of the assessors, assistant-assessors and other officers of the said city of Boston. Selectmen to post lists. It shall be the duty of the town clerk to record the votes passed at the meeting at which he shall have been elected, and at the meetings for the election of representatives, and at any annual meeting; but he shall discharge no other duties unless the same shall be necessary to carry out the provisions of this act. Whenever there shall be a vacancy in the office of town clerk, or the said clerk shall not be present, the selectmen shall call upon the qualified voters present to elect a town clerk, *pro tempore*. All the duties of a town clerk, other than those above enumerated, shall be performed by the city clerk of the city of Boston. Duty of town clerk.

SECT. 3. The territory, hereby transferred, shall form a separate and additional ward of said city, and shall so remain until the next alteration of ward limits, by the said city council, according to law; and the ward so established shall be entitled to the same number of councilmen, school committee-men, overseers of the poor, assistant-assessors, ward officers and all other officers not herein mentioned, as the other wards of the said city are now respectively entitled to. Additional ward of Boston.

SECT. 4. The territory, so transferred, and the inhabitants therein, and their estates, shall be liable for all taxes already assessed and not paid, and also all city, county and state taxes, that may hereafter be assessed on them by said town of Chelsea, before the first day of November next, in the same manner as they would have been liable if this act had not been passed. Taxes.

SECT. 5. All the public property of the said town of Chelsea shall become, and is hereby declared to be, the property of the city of Boston; and the town treasurer of Chelsea shall, under the direction of the selectmen of said town, transfer, deliver, pay over and account for, to the city treasurer of Boston, all books, papers, moneys, and other property in his possession as treasurer, on the first day of November next; and the city of Boston shall thereafter be liable for the public debt of Chelsea. Public property transferred.

SECT. 6. This act shall be void, unless the inhabitants of the city of Boston, and town of Chelsea, respectively, quali- Act to be void, unless, &c.

fied to vote in city or town affairs, shall accept the same, at a meeting to be called for that purpose within six months after its passage. And it shall be the duty of the board of aldermen of said city, and of the selectmen of said town, respectively, to warn meetings for said purpose, within the period aforesaid, upon the requisition of fifty qualified voters of their said city and town, respectively; and the said meetings shall be held within thirty days after such requisition, and the meetings in said city may be either general or ward meetings; and if, upon the return of the votes cast at such meetings, it shall appear that a majority of said votes in said city and town, respectively, are in favor of the acceptance of this act, then it shall be the duty of the mayor and aldermen of said city, and the selectmen of said town, to forthwith certify said returns to the secretary of the Commonwealth, who, if the mayor and aldermen of said city, and the selectmen of said town, shall have certified to him in the manner aforesaid, shall, on the first day of November next, issue and publish his certificate, declaring this act to have been accepted according to law. [Approved by the Governor, April 30, 1856.]

**Chap. 142** AN ACT relative to the House of Correction and Jail in the County of Plymouth.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

House of correction and jail one establishment.

SECT. 1. The house of correction and jail in the county of Plymouth, shall be considered one establishment, and taken to be within the meaning of section first of the eleventh chapter of the acts of eighteen hundred and forty-six.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, April 30, 1856.]

**Chap. 143** AN ACT changing the Line between the Towns of Uxbridge and Northbridge.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Boundary line established.

SECT. 1. That the following described line shall hereafter be a part of the dividing line between the towns of Uxbridge and Northbridge, to wit:—Beginning at a stone monument, at the point where the lines between the towns of Uxbridge, Northbridge and Sutton meet; thence south, sixty and one-third degrees east, about five hundred and fourteen rods, to the southerly line of said Northbridge;

and all of that part of said Uxbridge, which lies northerly of said line, with the inhabitants thereon, shall hereafter belong to said Northbridge; and all of that part of said Northbridge, which lies southerly of said line, with the inhabitants thereon, shall hereafter belong to said Uxbridge.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, April 30, 1856.*]

AN ACT to incorporate the Chebacco Library Association.

Chap. 144

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. John Prince, Oliver H. P. Sargent, Samuel P. Haskell, Andrew Howes, Charles Howes, Nathan Burnham, 4th, Moses S. Andrews, Norman Story, John Howe Burnham, Aaron Low and Webster Howes, their associates and successors, are hereby made a corporation, by the name of the Chebacco Library Association, to be established in the town of Essex, for the purpose of instituting and sustaining a library and reading-room, and promoting public instruction by lectures, or otherwise; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. The said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding ten thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1856.*]

AN ACT to incorporate the Eliot City Mission Society, of Roxbury.

Chap. 145

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. Henry Hill, A. C. Thompson, Alvah Kittredge, William W. Davenport, Benjamin Perkins, Hamilton A. Hill, E. B. Huntington and Oliver L. Gridley, their associates and successors, are hereby made a corporation by the name of the Eliot City Mission Society, in the city of Roxbury; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal estate to an amount not exceeding ten thousand dollars, for

charitable purposes, and the promotion of religion and morality.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1856.*]

**Chap. 146** AN ACT to incorporate the American Hotel Company, in the North Village, in Adams.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

Proviso.

Real and personal estate, \$60,000.

SECT. 1. A. W. Richardson, Joel Bacon, J. Q. Robinson, 2d, their associates and successors, are hereby made a corporation, under the name of the American Hotel Company, for the purpose of erecting a hotel in the North Village, in the town of Adams, and maintaining such public house, and the improvements connected therewith; and for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that said corporation shall not carry on the business of hotel-keeping, or be in any way interested in such business.

SECT. 2. The whole amount of real and personal estate or capital stock, which said corporation may hold, for the purposes aforesaid, shall not exceed fifty thousand dollars in value. [*Approved by the Governor, May 1, 1856.*]

**Chap. 147** AN ACT in relation to the Assessment of Taxes in the City of Lynn, in the years one thousand eight hundred and fifty-three, and one thousand eight hundred and fifty-four.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Assessment of taxes legalized.

No suits to be sustained.

SECT. 1. The assessments of taxes, made by the assessors of taxes of the city of Lynn, for the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, are hereby confirmed, and the taxes, as assessed by said assessors for those years, are declared and made legal and valid.

SECT. 2. No suit at law, or in equity, hereafter commenced, so far as the cause thereof accrues from any irregularity or defect in the assessments of taxes for the years eighteen hundred and fifty-three and eighteen hundred and fifty-four, in and for said city of Lynn, shall be sustained, and this act may be shown in bar of any such suit, so far as the cause thereof accrues from any such irregularity or defect.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1856.*]

AN ACT to aid in the establishment of an Agricultural Department in Westfield Academy. *Chap. 148*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The inhabitants of the town of Westfield, in town meeting assembled, and duly notified by warrant for that purpose, calling such meeting, are hereby authorized to vote and appropriate a sum of money not exceeding five thousand dollars, to be applied by the trustees of Westfield Academy, in the establishment of an agricultural department to be connected with said academy, upon such terms and conditions as may be expressed in said vote ; and they may issue bonds of said town, bearing an annual interest not exceeding six per cent., and payable at a period not exceeding twenty years from the vote of the same, to be signed by the treasurer of said town, and countersigned by the chairman of the selectmen, which bonds shall be legally chargeable upon said inhabitants for the payment thereof. \$5,000 for agricultural department. May issue bonds.

SECT. 2. Admission to said agricultural department shall be free to the inhabitants of said town upon such conditions as may be determined by a board of examiners, to be composed of the school committee of said town, and an equal number of the trustees of said academy. Membership.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 1, 1856.*]

AN ACT to Legalize the Assessment of Taxes in the Town of Stoughton, for the year eighteen hundred and fifty-four. *Chap. 149*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The assessments of taxes, made by the assessors of taxes in the town of Stoughton, for the year one thousand eight hundred and fifty-four, are hereby confirmed and made valid and legal, notwithstanding any irregularity on the part of the assessors, in omitting to make oath to their certificate, upon the assessors' book, as by law provided : Assessment of taxes legalized *provided, nevertheless,* that nothing in this act contained shall be construed to bar, or in any wise affect any suit at law already brought and now pending in any of the courts of this Commonwealth. [*Approved by the Governor, May 3, 1856.*] Proviso.

**Chap. 150** AN ACT relating to the Support of certain Inmates of the State Reform School for Boys, and the State Industrial School for Girls.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Concerning expenses, &c., of persons committed.

SECT. 1. The superintendents and trustees of the Reform School for Boys, and of the State Industrial School for Girls, are hereby authorized to exercise, at their discretion, the power vested in the keepers and overseers of houses of correction in this Commonwealth, in the fifteenth and sixteenth sections of the one hundred and forty-third chapter of the Revised Statutes, in relation to the care and expense of supporting and employing persons committed to their several institutions.

SECT. 2. This act shall take effect on and after its passage. [Approved by the Governor, May 3, 1856.]

**Chap. 151** AN ACT in relation to the Salary of the Physician and Surgeon of the State Prison.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Salary of physician established.

SECT. 1. From and after the first day of April, in the year one thousand eight hundred and fifty-six, the salary of the physician and surgeon at the State prison shall be five hundred dollars annually, which sum shall be paid in quarterly payments, by the warden, out of the treasury of the prison.

Inconsistent acts repealed.

SECT. 2. All acts and parts of acts, inconsistent herewith, are hereby repealed. [Approved by the Governor, May 3, 1856.]

**Chap. 152** AN ACT concerning the Jurisdiction of Justices of the Peace.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Former act amended.

SECT. 1. The first section of the three hundred and fourteenth chapter of the acts of eighteen hundred and fifty-two, is hereby amended, so that the actions thereby brought within the jurisdiction of justices of the peace and justices of police and justices' courts, may be brought in the county where either of the defendants or trustees, if any, resides, or has his usual place of business: *provided*, that no trustee shall be held to answer to process except in the county where he lives or has his usual place of business.

Proviso.

SECT. 2. All acts and parts of acts, inconsistent herewith, Inconsistent acts repealed. are hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1856.*]

AN ACT to incorporate the Oxford Hotel Company.

Chap. 153

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. A. G. Underwood, Horace S. DeWitt, James Corporators. Bacon, their associates and successors, are hereby made a corporation, under the name of the Oxford Hotel Company, Name. for the purpose of erecting a hotel in the town of Oxford, Purpose. and maintaining such public house and the buildings and improvements connected therewith ; and for these purposes Privileges, restrictions, &c. shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes : *provided*, that said Proviso. corporation shall not carry on the business of hotel-keeping, or be in way interested in such business.

SECT. 2. The whole amount of real and personal estate, Real and personal estate, \$30,000. or capital stock which said corporation may hold for the purposes aforesaid, shall not exceed thirty thousand dollars. [*Approved by the Governor, May 5, 1856.*]

AN ACT to incorporate the Proprietors of Oak Grove Cemetery.

Chap. 154

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Eben H. Stacy, Hermann E. Davidson, Benjamin K. Hough, Frederick Norwood, Epes W. Merchant and Edward Babson, together with such other persons as shall become proprietors of lots in the cemetery hereinafter mentioned, their successors and assigns, are hereby made a corporation, by the name of the proprietors of Oak Grove Name. Cemetery ; and said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions Privileges, restrictions, &c. and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, except as is otherwise provided in this act.

SECT. 2. The said corporation may take and hold, by May hold thirty acres of land, and personal property not exceeding \$20,000. purchase or otherwise, in fee simple, for the purposes hereinafter provided, a tract of land, not exceeding thirty acres, situate at and near a place called Oak Grove, in the town of Gloucester, and may also take and hold personal property, not exceeding in amount twenty thousand dollars, to be



applied to objects connected with, and appropriate to, the purpose of said corporation.

Powers of corporation.

SECT. 3. The said corporation shall take and hold the aforesaid land, for a rural cemetery or burial-ground, and for the erection of tombs, cenotaphs, or other monuments, for, or in memory of, the dead; and, for this purpose, shall have power to lay out the same in suitable lots or subdivisions, for family, or other burying places; to plant and embellish the same with trees, shrubbery, and other rural ornaments; to enclose and divide the same with suitable walls or fences; and to construct and annex thereto such suitable buildings, appendages, and other conveniences, as said corporation shall, from time to time, deem expedient.

Deeds of conveyance, &c.

SECT. 4. The said corporation shall have authority to grant and convey to the town of Gloucester, any portion of the land aforesaid, for a public burial-ground, and also, to grant and convey to any person or persons, the sole and exclusive right of burial, and of erecting tombs and cenotaphs, and of ornamenting any designated lot or subdivision, upon such terms and conditions, and subject to such regulations, as said corporation shall prescribe, which right, so granted and conveyed, shall be held for the purposes aforesaid, and for none other, as real estate, by the proprietor or proprietors thereof, and shall not be subject to attachment or execution, or to be applied to the payment of debts by assignment, under any insolvent law.

Exempt from taxation.

SECT. 5. The land aforesaid shall be, and is hereby declared exempted from all public taxes, so long as the same shall remain dedicated to the purposes of a cemetery.

Penalty for wilful destruction, &c.

SECT. 6. Any person who shall wilfully destroy, mutilate, deface, injure or remove any tomb, monument, grave-stone, or other structure placed in the cemetery aforesaid, or any fence, railing or other work erected for the protection or ornament of any tomb, monument, grave-stone, or other structure, aforesaid, or any cemetery lot, or shall wilfully destroy, remove, cut, break or injure any tree, shrub or plant, within the limits of said cemetery; or shall shoot, or discharge any gun or other fire-arms, within the said limits, shall be deemed guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, or other court of competent jurisdiction, shall be punished by a fine not less than five dollars, nor more than one hundred dollars, according to the nature of the offence; and such offender shall also be liable to an action of trespass, to be brought in any court of competent jurisdiction, in the name of said corporation, to pay all damages which shall have been occasioned

Also liable to action for trespass, &c.

by his or her unlawful act or acts ; which money, when recovered, shall be applied by the trustees of said corporation, to the reparation and restoration of the property destroyed or injured, as aforesaid ; and members of said corporation shall be competent witnesses in such suit.

SECT. 7. The lots in said cemetery which may be granted and conveyed as before provided, shall be indivisible ; and upon the decease of any proprietor of a lot, the heirs at law or devisees of such lot, as the case may be, shall be entitled to all the privileges of membership : *provided, however*, that if there be more than one heir at law or devisee of such lot, and they do not agree in writing, and file such agreement with the clerk of said corporation, within six months from the decease of the owner, the board of trustees of said corporation shall designate and enter of record which of said heirs at law or devisees shall represent said lot, and vote in the meetings of said corporation, which designation shall continue in force until said heirs or devisees shall make and file such agreement in manner aforesaid, or until, by reason of death, removal, or other sufficient cause, another designation shall become necessary ; and in making such designation the trustees shall, as far as may conveniently be done, give preference to males over females, to proximity of blood, and to priority of age, having due regard, however, to proximity of residence.

Lots not divisible.

Proviso.

SECT. 8. The said corporation may take and hold any grant, donation or bequest of property, in trust, to apply the same, or the income thereof, for the improvement or embellishment of the said cemetery, or of any buildings, structures or fences, erected or to be erected therein, or for the repair, preservation, or renewal of any tomb, monument, grave-stone, fence or railing, or other erection in or around any cemetery lot, according to the terms of such grant, donation or bequest ; and the supreme judicial court, or any court having equity jurisdiction, shall have power to compel the execution of such trust.

Corporation may hold grants, &c., in trust.

Courts may compel execution of trust.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, May 5, 1856.*]

AN ACT incorporating the Roxbury Institute.

Chap. 155

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. James Ritchie, Francis Hilliard, William Whit- ing, their associates and successors, are hereby made a cor-

Corporators.

- Purpose.** poration by the name of the Roxbury Institute, for the purpose of promoting moral and intellectual improvement, and communicating public instruction by lectures, a library and reading-room, and otherwise, in the city of Roxbury; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the forty-fourth chapter of the Revised Statutes.
- Privileges, restrictions, &c.**
- Real and personal estate, \$100,000.** SECT. 2. Said corporation may hold real and personal estate to the amount of one hundred thousand dollars, to be devoted to the purposes aforesaid. [*Approved by the Governor, May 5, 1856.*]

**Chap. 156**

AN ACT to incorporate the Eastern Hampden Agricultural Society.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

- Corporators.** SECT. 1. Alonzo V. Blanchard, J. K. Knox, Alonzo N. Dewey, and Alfred L. Converse, their associates and successors, are hereby made a corporation by the name of the Eastern Hampden Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Palmer, in the county of Hampden; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, of other agricultural societies established in this Commonwealth: and they are hereby authorized to admit members from the towns of Palmer, Ludlow, Monson, Brimfield, Wilbraham, Wales and Holland, and the city of Springfield, in the county of Hampden; Belchertown and Ware, in the county of Hampshire, and Warren, in the county of Worcester.
- Name.**
- Location.**
- Privileges, restrictions, &c.**
- Membership.**
- Entitled to same bounty as other agricultural societies.** SECT. 2. Said society shall be entitled, on the same terms as other incorporated agricultural societies, to receive, annually, out of the treasury of the Commonwealth, such sum as any other incorporated agricultural society may receive, under the provisions of chapter forty-two of the Revised Statutes, notwithstanding the restrictions of section seventh of that chapter. [*Approved by the Governor, May 5, 1856.*]

**Chap. 157**

AN ACT concerning the Election of Civil Officers.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

- Results of elections, how determined.** SECT. 1. In order to determine the result of any election of any civil officer or officers in this Commonwealth,

the whole number of persons who voted at such election shall first be ascertained by counting the whole number of separate ballots given in, and the person or persons who shall receive the highest number of votes shall be deemed and declared to be elected; and in all returns of elections the whole number of ballots given shall be distinctly stated, but blank pieces of paper shall not be counted as ballots.

SECT. 2. If, at any election where more than one civil officer is to be elected to the same office, any two or more candidates shall receive an equal number of votes, being a plurality, by reason whereof the whole number to be elected cannot be completed, the candidates having such equal number of votes, shall be deemed not to be elected. Same subject.

SECT. 3. All acts or parts of acts, inconsistent herewith, or with the fourteenth article of the amendments to the constitution of Massachusetts, are hereby repealed. Inconsistent acts repealed.  
*[Approved by the Governor, May 5, 1856.]*

AN ACT in addition to an Act to establish the City of Springfield.

Chap. 158

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The standing justice of the police court for the city of Springfield shall be entitled to retain to his own use, out of the moneys received by him in each year for fees, fines and penalties, an amount equal to the sum or sums he may be required by law to pay over in each year to the special justices of said court for services rendered by them: *provided, however,* that when the sum of one hundred and fifty dollars shall have been thus earned in any one year, by either or both of said special justices, the said special justices shall thereafter be paid by the standing justice out of his salary, in full, for their services as such justices, at the rate of four dollars for each day they shall be actually engaged in holding court as such justices. Standing justice to retain a certain amount, &c.

SECT. 2. In all criminal cases where fines, forfeitures and costs are not paid to the justice of said court, but are by him taxed, certified and allowed as provided in the twenty-fourth section of the ninety-fourth chapter of the statutes of eighteen hundred and fifty-two, the fees of the justice of said court, so taxed, certified and allowed, shall be received by said justice in the manner now provided for justices of the peace; and the fees so received by said justice shall be by him accounted for and paid over to the treasurer of said city. Fines, &c., how received and paid.

Standing justice  
may discharge  
from imprison-  
ment, &c.

SECT. 3. It shall be lawful for the standing justice of said court, at his discretion, to discharge any person from imprisonment, who shall have been confined under sentence of any court, for three months or more, for non-payment of fines and costs, or either of them, when it shall be made to appear to said justice that such person is unable to pay said fine and costs.

Inconsistent acts  
repealed.

SECT. 4. All acts and parts of acts, inconsistent herewith, are hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, May 5, 1856.]

**Chap. 159** AN ACT in addition to an Act to establish a Fire Department in the Town of Lynn.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Act amended.

SECT. 1. The first section of the act passed in the year one thousand eight hundred and thirty-six, to establish a fire department in the town of Lynn, (chapter fifty,) is hereby amended, so that the engineers of the fire department shall be appointed in the month of January in each year hereafter, instead of in the month of April.

Inconsistent acts  
repealed.

SECT. 2. All acts or parts of acts, inconsistent herewith, are hereby repealed. [Approved by the Governor, May 5, 1856.]

**Chap. 160** AN ACT to authorize the County Commissioners of Plymouth to lay out a Highway and construct a Bridge over the Weweantitt River.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Bridge in Ware-  
ham.

SECT. 1. The county commissioners of the county of Plymouth, are hereby authorized and empowered to lay out a highway and construct a bridge across the Weweantitt River, in Wareham and Marion, in said county of Plymouth, at or near the location of the old bridge, or between the same and the Narrows below. Said commissioners, in laying out and constructing said road and bridge, shall in all respects proceed as is now provided by law for laying out and constructing highways.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 8, 1856.]

AN ACT concerning the Boston and Lowell and Salem and Lowell Railroad Companies. *Chap. 161*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Salem and Lowell Railroad Company are hereby authorized to enter upon the Boston and Lowell Railroad, from the Lowell and Lawrence Railroad, at any convenient point of junction in Lowell, and may use so much of the Boston and Lowell Railroad as lies north of the track leading to the Lowell Bleachery, and all the branches of said last named railroad in the city of Lowell; and said Boston and Lowell and Salem and Lowell Railroad Companies are hereby invested with all the rights, powers and privileges, of railroad corporations whose railroads are connected by law. Union of railroads.

SECT. 2. This act shall take effect as soon after the passage thereof as the same shall have been accepted by the Boston and Lowell and Salem and Lowell Railroad Companies, at meetings legally called for the purpose. When to take effect. [Approved by the Governor, May 8, 1856.]

AN ACT in relation to Probate Courts in the County of Worcester.

*Chap. 162*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The sessions of the probate court, now by law holden at Lancaster, in the county of Worcester, shall, from and after the first day of June next, be holden at Clinton, in said county of Worcester. Sessions changed.

SECT. 2. All acts or parts of acts, inconsistent with this act, are hereby repealed. Inconsistent acts repealed. [Approved by the Governor, May 13, 1856.]

AN ACT to repeal chapter two hundred and thirty-eight of the Acts of the year eighteen hundred and thirty-six, being an Act to regulate the Assignment and Distribution of the Property of Insolvent Debtors. *Chap. 163*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The act to regulate the assignment and distribution of the property of insolvent debtors, passed April fifteenth, in the year eighteen hundred and thirty-six, chapter two hundred and thirty-eight of the acts of said year, is hereby repealed. Act repealed. [Approved by the Governor, May 13, 1856.]

**Chap. 164** AN ACT in relation to the Rights of Children, under Guardianship, to attend the Public Schools.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Rights of children to attend school.

SECT. 1. Minors, who shall be placed under guardianship, upon the decease of their father, either pursuant to the general provisions of law, or by the last will of such father, shall be allowed to attend the public schools of the town or city of which such guardian is an inhabitant.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 13, 1856.]

**Chap. 165** AN ACT in addition to the Acts relating to the Annual Reports of Railroad Corporations.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Railroad returns to contain amount of assets.

SECT. 1. The annual report now by law required to be made by the directors of the several railroad corporations within this Commonwealth, shall hereafter contain the amount of assets or property held by the corporation, in addition to the cost of the road.

Secretary to furnish blanks, &c.

SECT. 2. The secretary of the Commonwealth, shall, in the blank returns hereafter transmitted to the several railroads, provide that the statement required by the first section of this act, shall be placed immediately following that which shows the total cost of the road. He shall also provide that the amount paid for interest shall appear next following, but not included in, the cost of working the road.

Form of abstract, &c.

SECT. 3. The form of the abstract required by the act of eighteen hundred and fifty-one, chapter one hundred and two, is hereby so far amended as that the amount of debt shall follow the amount of capital paid in; the amount of assets, the cost of the road, and the amount paid for interest, the cost of working the road. [Approved by the Governor, May 13, 1856.]

**Chap. 166** AN ACT to authorize Job T. Wilson to build a Wharf in the City of Fall River.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Wharf in Fall River.

Job T. Wilson is hereby authorized to build and maintain a wharf, extending two hundred feet into Taunton Great River, from land owned by him, (at the village of Steep

Brook,) in the city of Fall River, and to lay vessels at said wharf, and receive wharfage and dockage therefor: *provided*, May receive wharfage, &c. Proviso. this act shall in no wise affect the legal rights of any other persons whatever. [*Approved by the Governor, May 13, 1856.*]

AN ACT to extend the time for the construction of a Branch Railroad into the City of Boston, by the Boston and Lowell Railroad Corporation. Chap. 167

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time allowed the Boston and Lowell Railroad Corporation for locating, building and completing a branch railroad into the city of Boston, under the provisions of an act passed on the twenty-fifth day of May, in the year eighteen hundred and fifty-three, entitled "An Act to authorize the Boston and Lowell Railroad Corporation to construct a Branch Railroad into the City of Boston," is hereby extended until the first day of June, in the year eighteen hundred and fifty-seven. [*Approved by the Governor, May 13, 1856.*]

Time for construction, &c., extended to June 1, 1857.

AN ACT to incorporate the Springfield and Farmington Valley Railroad Company. Chap. 168

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. James M. Blanchard, Edward Southworth, Willis Phelps, Samuel S. Day, Caleb Rice, their associates and successors, are hereby made a corporation, by the name of the Springfield and Farmington Valley Railroad Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and in that part of the thirty-ninth chapter of said statutes, relating to railroad corporations, and in all general laws, which are now, or may hereafter be, in force, relating to railroads in this Commonwealth.

Corporators. Name. Privileges, restrictions, &c.

SECT. 2. Said corporation is hereby authorized and empowered to construct and maintain a railroad, with one or more tracks, from the line of the State of Connecticut, at or near Rising's Notch, so called, in the town of Southwick, at the termination of a railroad incorporated by the State of Connecticut, as the Farmington Valley Railroad, thence running by, or near the village of Feeding Hills, and by Mitteneague, in West Springfield, to some point in Spring-

Location.



May enter upon Western Railroad field, at or near the depot of the Western Railroad; or if said corporation shall so elect, to some convenient point on the Western Railroad in West Springfield; with power, by proper turnouts and switches, to enter upon and use said Western Railroad, from said point to their depot in Springfield, according to the provisions of law; and with further power, by agreement with said Western Railroad Corporation, to construct and lay down upon said Western Railroad, one or more additional tracks from the point of junction in West Springfield to their depot in Springfield, and to use the same, and the bridge of said Western Railroad, separately or jointly, with said Western Railroad Corporation, as may be agreed.

Capital stock to consist of 3,000 shares, of \$100 each. SECT. 3. The capital stock of said corporation shall consist of not exceeding three thousand shares of one hundred dollars each; and no assessment shall be made thereon to a greater amount in the whole, than one hundred dollars on each share.

Legislature may reduce toll, &c. SECT. 4. The legislature may, after five years from the time when said railroad shall be opened for use, from time to time, reduce the rates of toll or profits upon said road; but the same shall not be so reduced without the consent of said company, as that the net profits of said road shall yield less than ten per centum per annum to the stockholders.

Act to be void if not located in two years and constructed in three years. SECT. 5. If the location of said railroad shall not be filed according to law, within two years, or if the said railroad shall not be constructed within three years from the passage of this act, the same shall be void.

May contract with other railroads, &c. SECT. 6. Said corporation may contract with the owners of any contiguous railroad or railroads, within this State, or in the State of Connecticut, for the use of the whole or any part of such railroad or railroads, or for running and operating said railroads conjointly, or for the hiring of such contiguous railroad or railroads, or for the leasing of their own road to the owners of such contiguous road or roads.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 16, 1856.*]

**Chap. 169** AN ACT authorizing the release of Dower in behalf of Married Women who are Insane.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Release of dower of insane married women. SECT. 1. Whenever any married woman, who, if she survived her husband, would have a right of dower in his real estate, is, by reason of insanity, incompetent to release such

right, the same may, nevertheless, be effectually released, according to the provisions of this chapter.

SECT. 2. The fact of such insanity shall be ascertained, and thereupon a guardian appointed, by proceedings in the probate court, as in such cases is now provided by law; and the husband, if a suitable person for the trust, may be appointed as such guardian. General proceedings.

SECT. 3. Whenever the husband of such insane woman is desirous of conveying any of his real estate, whether absolutely in fee, or only by way of mortgage, he shall petition the judge of probate, describing the same, asking leave that the dower of his wife therein may be released, and setting forth any facts and reasons why his prayer should be granted; and if, after notice in some newspaper to all persons interested, and hearing thereon, the judge of probate shall be satisfied, under all the circumstances of the case, that such married woman would, if sane, release her right of dower in said real estate, he shall authorize and direct her guardian to make such release by joining in any deed of conveyance, to be made within five years thereafter, either by such husband, or any trustee for him, and whether such deed pass the whole, or only separate parcels or lots of said real estate: *provided, nevertheless*, that such authority shall cease at any time within said five years, as to any release thereafter to be made, whenever the said guardian shall be discharged by the judge of probate, according to law, as no longer necessary. Proceedings when husband is desirous to sell, &c. Proviso.

SECT. 4. If, upon such hearing, the judge of probate shall deem it proper, under all the circumstances of the case, that some portion of the proceeds of such real estate, or of any sum loaned on mortgage thereof, should be reserved for the use of such married woman, he may order that a certain sum, not exceeding thirty-three and one-third per cent. of the net amount of such proceeds, or sum actually to be realized from such sale or mortgage, exclusive of any incumbrance then existing on said estate, shall be set aside, and paid over to such guardian, to be invested and held by him for the benefit of such married woman, in case she shall survive her husband, the income of such sum, nevertheless, to be received and enjoyed by such husband during the life of his wife, or until otherwise ordered by the judge of probate, upon good cause shown to him; and the principal to be his, in case he survives her, and to be paid over to him accordingly. Subsequent proceedings.

SECT. 5. If the husband of any such insane woman shall have conveyed, before the passing of this act, or shall hereafter Trustees in certain conveyances may pass title free &c.

convey, any real estate in trust, without the power of revocation, and in such conveyance there shall be made provision for his wife, which, in the opinion of the judge of probate, to be certified on petition, notice and hearing, as aforesaid, shall be sufficient in lieu of dower therein, the trustee in such conveyance shall be authorized to pass title to such real estate free from all right of dower.

Guardians to join  
in release of dower  
in certain cases

SECT. 6. If, in any such conveyance mentioned in the preceding section, of any property, there shall be made provision sufficient, in the opinion of the judge of probate, to be certified as aforesaid, in lieu of dower of such insane woman in all the real estate owned by her husband at the date of the petition, or in any particular portions thereof, her guardian shall be authorized to release her dower in all such real estate, or in such particular portions thereof, by joining in any deed of conveyance of the same.

Proceedings under  
this act,  
where to be held.

SECT. 7. All the proceedings contemplated under this act, in the probate court, shall be had in the county where the husband of such insane woman resides, if an inhabitant of this Commonwealth, and if not, then in some one county where any of his real estate is situated; and a certified copy of all final orders or decrees therein, shall be recorded in the registry of deeds in every county where the conveyance of the real estate, dower in which is released under this act, is recorded. [*Approved by the Governor, May 16, 1856.*]

Orders or decrees  
to be recorded.

**Chap. 170** AN ACT in relation to the Court of Common Pleas in and for the County of Middlesex.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Term of C. C.  
Pleas established.

SECT. 1. The term of the court of common pleas for the county of Middlesex, now holden at Concord, in said county, on the second Monday of March of each year, shall hereafter be holden at Lowell, in said county, on the second Monday of March annually.

Same.

SECT. 2. The term of said court of common pleas for said county, now holden at Concord, in said county of Middlesex, on the second Monday of June, annually, shall hereafter be holden at said Concord, on the first Monday of June, annually.

When to take  
effect.

SECT. 3. This act shall take effect on the first Monday of September next. [*Approved by the Governor, May 16, 1856.*]

## AN ACT concerning State Paupers.

## Chap. 171

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The board of alien commissioners shall prescribe the form of the certificate required in the fifth section of the two hundred and seventy-fifth chapter of the acts of the year one thousand eight hundred and fifty-two, which certificate shall contain such inquiries in relation to the age, parentage, birthplace, former residence, and other facts relating to the pauper as they may judge necessary, to which the mayor of the city, or the overseers of the poor of the town from which the pauper is sent, shall render true answers as far as they are able, before said pauper shall be received into either of the State almshouses. The several cities and towns shall be furnished with blank forms of said certificate by the secretary of the Commonwealth.

Commissioners to prescribe form of certificate, &c.

Mayor and overseers to render true answers.

Secretary to furnish blank forms.

SECT. 2. In case any person, not having a legal settlement in this Commonwealth, shall fall into distress in any city or town, and cannot be removed, by reason of sickness or other disability, in the opinion of the officers in such city or town who may have such duty to perform, they shall notify the alien commissioners, who shall, if they deem it expedient, request the attending physician of the nearest State almshouse to visit said person; and if, in his opinion, the person cannot be safely or properly removed, then the city or town providing for said pauper shall be entitled to such a sum, not exceeding three dollars per week, for the board and care of said pauper, as the alien commissioners shall deem to be just and right. No city or town shall receive pay for the support of any pauper as aforesaid, for any expense incurred prior to the mailing of said notice.

Provision for persons not having legal settlement.

No expense allowed prior to notice.

SECT. 3. The several cities and towns in the Commonwealth shall have the right, at their own expense, to send to one of the State almshouses, all paupers not having a settlement within the Commonwealth, as directed in the third section of the two hundred and seventy-fifth chapter of the acts of the year eighteen hundred and fifty-two, except as hereinafter provided. The alien commissioners shall have power to direct the mayor of any city, or the overseers of the poor of any town, to send such paupers to either of the State almshouses, as, in their judgment, the interests of the Commonwealth may require: *provided, however*, that if any city or town is required to send their paupers to a greater

Cities and towns may send paupers, under direction of commissioners.

Proviso.

distance than is required in the act aforesaid, the necessary additional expense shall be paid by the Commonwealth.

Acts repealed.

SECT. 4. The four hundred and twelfth chapter, and the first and second sections of the four hundred forty-fifth chapter of the acts of the year one thousand eight hundred and fifty-five, and all other acts inconsistent with this act, are hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 16, 1856.*]

### Chap. 172

AN ACT concerning the Police Court of the City of Worcester.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Salary of clerk.

SECT. 1. The clerk of the police court of the city of Worcester shall receive a sum not exceeding seven hundred dollars per annum, for his services as clerk.

Salary of clerk pro tem.

SECT. 2. In case of the sickness or absence of the standing clerk, the clerk *pro tempore*, appointed by the justice of said police court, shall be allowed and paid a *pro rata* compensation for his services.

Duty of clerk.

SECT. 3. It shall be the duty of the clerk to attend every court held by the justices of the police court, or either of them, and to record all proceedings therein had, and to make out all warrants and processes which the said justices, or either of them, may order.

Partial repeal.

SECT. 4. So much of the fourth section of the act passed in the year one thousand eight hundred and fifty-one, chapter two hundred and sixty-eight, as relates to the compensation of the clerk of the police court of Worcester, is hereby repealed.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 16, 1856.*]

### Chap. 173

AN ACT concerning the Election of Clerks of Courts and other County Officers.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Choice of certain county officers.

SECT. 1. At the annual election in November, in the year one thousand eight hundred and fifty-six, and at the annual election in November of every third year thereafter, the legal voters of the several cities and towns in each county shall choose, by ballot, the commissioners of insolvency, sheriffs, and registers of probate for the several counties; they shall also choose, in the same manner, the district-

attorneys in their several districts, for the administration of criminal law; and also the Commonwealth's attorney for the county of Suffolk, who shall severally hold their respective offices according to the provisions of this act, hereinafter set forth.

SECT. 2. At the annual election in November, in the year one thousand eight hundred and fifty-six, and at the annual election in November of every fifth year thereafter, the legal voters of the several cities and towns in each county, excepting in the county of Suffolk, shall choose by ballot for their respective counties, a clerk, who shall act as clerk of the supreme judicial court, and the court of common pleas, within and for the county for which he shall be chosen; and at the same time the legal voters of the county of Suffolk shall choose by ballot for said county of Suffolk, a clerk of the supreme judicial court, a clerk of the superior court, and a clerk of the municipal court of said county.

Election of clerks of courts.

SECT. 3. At said elections the votes shall be sorted and counted by the selectmen of the towns, and by the wardens and ward clerks of the cities, in open town and ward meetings, and public declaration made thereof at such meetings. The names of all persons voted for, and the number of votes received by each person, and the title of the office for which he is proposed, shall be entered by the town clerks in the town records, and by the ward clerks in the ward records, in words at length; and the said ward clerks shall, forthwith, deliver to the city clerks certified copies of such records, who shall forthwith enter the same in the city records. The said town and city clerks shall, within ten days from the day of said election, transmit, under seal, attested copies of the records so by them made, to the secretary of the Commonwealth, and the secretary shall lay the said returns before the governor and council.

Votes to be sorted, counted, and declaration made, &c.

To be returned to secretary of Commonwealth in ten days.

SECT. 4. The governor and council shall receive and examine such returns; and if, upon such examination, it shall appear that any person qualified for the office for which he was proposed, has been legally elected thereto, the governor shall forthwith transmit to the person chosen, a certificate of such choice, signed by the governor, and countersigned by the secretary of the Commonwealth; but, in case of a failure to elect either of said officers, on the days in November aforesaid, the governor shall, by proclamation, declare such failure to elect, and order a new election; and the manner of the election, the return of the votes, and the declaration of election, shall be such as are herein before

Governor and council to examine returns, &c.

specified: and the governor shall continue to order new elections until a choice is effected.

Certain officers  
to hold for three  
years.

SECT. 5. The commissioners of insolvency, sheriffs, registers of probate, district-attorneys, and Commonwealth's attorney for the county of Suffolk, elected under the provisions of this act, shall hold their offices respectively for the term of three years from the first Wednesday of January next following said annual election in November, excepting as hereinafter provided.

Clerks of courts  
to hold for five  
years.

SECT. 6. The clerks of the courts, elected under the provisions of this act, shall hold their offices, respectively, for the term of five years from the first Wednesday of January next following said annual election in November, excepting as hereinafter provided.

Power of justices  
of S. J. Court to  
remove certain  
officers, &c.

SECT. 7. The justices of the supreme judicial court, or a majority of them, shall have power to remove the clerks of said court in any county, whenever, in their judgment, the public good shall so require; and on bill, petition, or other proper process, said justices, or a majority of them, shall have power to remove from office, any clerk of the court of common pleas, or of the superior or municipal courts of the county of Suffolk, and any commissioner of insolvency, sheriff, register of probate, and district-attorney, or Commonwealth's attorney for the county of Suffolk, if sufficient cause shall be shown therefor, and it shall appear that the public good so requires; and a summary hearing may be had before said justices, or a majority of them, upon said bill, petition, or other proper process, in term time or vacation.

Governor and  
council to fill  
certain vacan-  
cies.

SECT. 8. In case a vacancy shall, from any cause, occur in either of said offices of commissioners of insolvency, sheriffs, registers of probate, district-attorneys, or Commonwealth's attorney in the county of Suffolk, the governor, with the advice and consent of his council, may appoint a suitable person to fill such office, who shall hold the same until the annual election in November next thereafter, or until another is chosen or appointed in his stead; and at said annual election thereafter, an election by ballot shall be had to fill said office, for such unexpired term as may exist, in the same manner as is herein before provided by this act, for the election of said officers.

Clerks of courts,  
vacancies filled  
by judges

SECT. 9. In case a vacancy shall, from any cause, occur in the office of any of the clerks of courts herein before mentioned, the judges of the said several courts, or a majority of the same, may appoint a suitable person to fill such office, who shall hold the same until the annual election in

November next thereafter, or until another is chosen or appointed in his stead; and at said annual election next thereafter, an election by ballot shall be had, to fill said office for such unexpired term as may exist, in the same manner as is herein before provided for the election of said clerks.

SECT. 10. All laws in force, in relation to the duties of town and city officers and voters, in the election of governor, senators and representatives of this Commonwealth, shall, as far as the same may be applicable, apply and be in force in regard to meetings and elections to be held, and the returns to be made under the provisions of this act, respecting the choice of commissioners of insolvency, sheriffs, registers of probate, district-attorneys, the Commonwealth's attorney for the county of Suffolk, and the clerks of the several courts; and the like penalties shall be incurred for a violation thereof. [*Approved by the Governor, May 16, 1856.*]

Duty of town and city officers in elections, &c.

AN ACT in addition to an Act concerning Mortgages of Personal Property. *Chap. 174*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

In all mortgages of personal property, when the mortgagor shall have removed beyond the limits of this Commonwealth, and there shall be no attorney, assignee, or other legal representative of the mortgagor, and no person in possession of the mortgaged property, claiming the same, known to the mortgagee, upon whom notice of intention to foreclose can be served under the provisions of the seventy-second chapter of the acts of the year eighteen hundred and forty-three, the notice therein provided may be given by a publication of the notice of foreclosure at least once a week, for three several weeks, the first publication to be not less than sixty days previous to the foreclosure, and the last within one week of the time appointed therefor; the said publication to be made in one of the principal newspapers of the cities or towns where, by law, the said notice is to be recorded; and if there be no paper published in such cities or towns, then in one of the principal newspapers in the county or counties where such property is situated; and to be also recorded in the city or town clerk's office, as provided in said statute. [*Approved by the Governor, May 21, 1856.*]

Proceedings in foreclosure of mortgage of personal property.

Notice, how to be given, &c.



**Chap. 175** AN ACT in addition to an Act to incorporate the Proprietors of the City Hotel, in Worcester.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Partial repeal.

SECT. 1. The last proviso in the first section of the three hundred and forty-first chapter of the acts passed in the year one thousand eight hundred and fifty-three, which proviso begins with the words "and provided, further," and continues through said first section, is hereby repealed.

Real and personal estate not to exceed \$160,000.

SECT. 2. The said corporation may hold real and personal estate to an amount not exceeding one hundred and sixty thousand dollars.

Name changed.

SECT. 3. The said corporation is hereby authorized to change its name, and take the name of the "Proprietors of the Bay State House."

Act amended.

SECT. 4. The first section of chapter four hundred and seventeen, of the acts passed in the year one thousand eight hundred and fifty-five, is hereby amended so that the word "fortieth," in the first line, shall read "forty-first." [Approved by the Governor, May 21, 1856.]

**Chap. 176** AN ACT for the Preservation of Fish in Buzzard's Bay, within the Towns of Sandwich and Wareham.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Seine fishing limited.

SECT. 1. No person shall set, draw, or stretch, any seine or net, for the purpose of taking any fish, except blue fish, in the bays, harbors, ponds, rivers, or creeks, of the waters of Buzzard's Bay, within one mile from the shore, and within the jurisdiction of the towns of Sandwich and Wareham.

Special limit from April to July.

SECT. 2. From the first day of April until the first day of July, inclusive, it shall be unlawful for any person to take more than one hundred pounds per week, of lobster, tautog, bass, or scuppaug, within the waters aforesaid.

Penalty for violating, &c.

SECT. 3. Any person violating the provisions of this act, or either of them, shall be subject to a penalty of not more than fifty dollars; one-half to the complainant, and remainder to the towns in whose jurisdiction the offence was committed.

How recovered.

SECT. 4. The penalties above provided for, may be sued for and recovered in an action of contract, or an action of tort, in any court proper to try the same, upon complaint of the selectmen, or any legal voter of the towns of Sandwich or Wareham.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1856.*]

AN ACT concerning the Salary of the Register of Probate for the County of *Chap. 177*  
Dukes County.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The register of probate for the county of Dukes <sup>Salary estab-</sup>  
County, shall receive for his services an annual salary of the <sup>lished.</sup>  
sum of two hundred and seventy-five dollars.

SECT. 2. Said salary shall commence on the first day of <sup>Paid quarterly.</sup>  
July next, and be paid in equal quarterly payments, out of  
the treasury of the Commonwealth, on the first days of  
October, January, April and July, in every year.

SECT. 3. All acts and parts of acts, inconsistent with the <sup>Inconsistent acts</sup>  
provisions of this act, are hereby repealed. [*Approved by* <sup>repealed.</sup>  
*the Governor, May 24, 1856.*]

AN ACT in addition to an Act to incorporate the S. P. Ruggles Power Press *Chap. 178*  
Manufacturing Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The S. P. Ruggles Power Press Manufacturing <sup>Additional</sup>  
Company, in addition to its present powers, is hereby au- <sup>powers.</sup>  
thorized to manufacture printing presses, and other ma-  
chinery, in the county of Norfolk.

SECT. 2. This act shall take effect from and after its  
passage. [*Approved by the Governor, May 24, 1856.*]

AN ACT to repeal chapter two hundred and eighty-three of the Statutes of the *Chap. 179*  
year eighteen hundred and fifty-three.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The two hundred and eighty-third chapter of <sup>Act repealed.</sup>  
the statutes of the year eighteen hundred and fifty-three, is  
hereby repealed.

SECT. 2. This act shall not affect any suits or complaints <sup>Not to affect</sup>  
now pending. [*Approved by the Governor, May 24, 1856.*]  
<sup>pending suits.</sup>

**Chap. 180** AN ACT to authorize the Hampshire and Hampden Railroad Corporation to extend their Railroad.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May extend railroad.

Location.

Branch track.

Proviso.

C. C. Pleas to appoint commissioners in case

SECT. 1. The Hampshire and Hampden Railroad Corporation are hereby authorized to extend their railroad, within two years from the passage of this act, from the crossing of Pleasant Street, in the village of Northampton, in a north-easterly direction, over the lands of the Connecticut River Railroad Company, to the south end of a new passenger-house to be owned in common by the Hampshire and Hampden Railroad Corporation and the Connecticut River Railroad Company, on a line agreed upon by the said corporations, which line begins near the crossing of Pleasant Street, in the present location of the said Hampshire and Hampden Railroad Corporation, and running thence north-easterly, on a curve to the left, of four hundred and forty feet radius, about seven hundred feet, to a point situated one hundred and eighty-three feet northerly from the north-west corner of the present passenger-house of the Connecticut River Railroad Company, and thirty-seven and one-half feet westerly from the centre of the main track of the Connecticut River Railroad, and thence northerly, parallel to the aforesaid main track, one hundred and eighty-one feet, to the south end of the new passenger-house aforesaid. And the Hampshire and Hampden Railroad Corporation are further authorized to construct a branch track, leading southerly from the aforesaid extension track, to unite with a branch track of the Connecticut River Railroad, between the freight and passenger-houses of the last named company: *provided, however,* that the Hampshire and Hampden Railroad Corporation shall, before they commence the extension of their railroad, authorized by this act, purchase the lot of land known as the "Strong Lot," and erect thereon and on the adjoining lands of the Connecticut River Railroad Company, the new passenger-house above mentioned, of dimensions and style adapted to the requirements of the passenger business of the two corporations, and shall pay to the Connecticut River Railroad Company the cost of removing such of their wood-sheds, car-houses, water fixtures, tracks and other appurtenances, as it may become necessary to move in consequence of the change in the location of their passenger-house.

SECT. 2. In case of disagreement between the two corporations above named, as to the necessity of the removal at

the cost of the said Hampshire and Hampden Railroad Corporation, as provided in the preceding section, of any of the wood-sheds, car-houses, water-fixtures, tracks, or other appurtenances of the Connecticut River Railroad Company, or the cost of such work, or as to the dimensions and style of the passenger-house to be erected, as aforesaid, or as to what portions of the land occupied by the said corporations, shall be held in severalty by each of said corporations, and as to what portions of said land shall be held by the said corporations in common; or as to what amount or amounts shall be paid, by either of the said corporations, to the other, for any land, the property of one of said corporations, taken by the other, under the authority conferred by this act, or purchased by one of said corporations, for the use of both of the said companies, the court of common pleas for the county of Hampshire, or any judge of the same, may, upon the petition of either of said corporations, name and appoint three capable and disinterested persons as commissioners, to determine the questions in dispute between the said corporations; and either party, if dissatisfied with the decision of said commissioners, as to the amount to be paid by either of said corporations, to the other, for any land or other property of one of said corporations, taken by the other under the authority conferred by this act, may apply for a jury to assess the damages, in the manner provided in the thirty-ninth chapter of the Revised Statutes.

of disagreement,  
&c.

Either party may  
apply for jury.

SECT. 3. When the tracks authorized to be laid by the first section of this act, and described in said section, shall have been located and constructed, in accordance with the provisions of this act, they shall be deemed and taken to be a part of the Hampshire and Hampden Railroad, and shall be protected by its charter, as fully as they would have been if located and constructed within the time prescribed in said charter; and the said charter is hereby ratified and confirmed, and declared to be in full force and effect, notwithstanding the failure of the said corporation to complete their road within the time prescribed in said charter. [*Approved by the Governor, May 24, 1856.*]

Charter confirmed  
when tracks  
completed.

AN ACT in addition to an Act concerning Agricultural Societies which receive the Bounty of the State. *Chap. 181*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. No incorporated agricultural society, receiving the bounty of the State according to the provisions of chap-

Award of premiums prohibited  
in certain cases.

ter forty-two of the Revised Statutes, shall distribute any part thereof to any person for any animal or article for which a premium shall be awarded, unless such animal or article shall be produced within the limits of such agricultural society, or such animal has been owned and kept within the limits of such society, by the person to whom such premium shall be awarded, for the term of three months, at least, next preceding the award of such premium. And no animal for which a premium shall be awarded to the owner, by any incorporated agricultural society receiving the bounty of the State, shall at any time thereafter, be considered a subject for any further premium of such society, except it be for qualities different from those for which the former premium was awarded, or for a higher premium: *provided, however*, that nothing in this act shall affect, restrain or limit a competitor for premiums offered by the Massachusetts Society for the Promotion of Agriculture, to be awarded within the incorporated county agricultural societies, but such premiums shall be subject to the rules and regulations to be prescribed by the trustees of said Massachusetts Society.

Proviso

Societies disregarding, &c., not to receive bounty.

Act repealed.

SECT. 2. No incorporated agricultural society receiving the bounty of the State, which shall hereafter disregard the prohibitions of this act, shall be entitled to receive any part of said bounty for that year.

SECT. 3. Chapter two hundred and ninety-six of the acts of the year one thousand eight hundred and fifty-five, entitled an act concerning agricultural societies which receive the bounty of the State, is hereby repealed. [*Approved by the Governor, May 24, 1856.*]

## Chap. 182

AN ACT concerning the Boston and Roxbury Mill Corporation.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Tolls established.

SECT. 1. The Boston and Roxbury Mill Corporation shall have the right to demand and receive upon the Western Avenue, instead of the tolls heretofore established, the tolls now by law established upon the bridges of the Hancock Free Bridge Corporation: *provided*, that this act shall not extend the time allowed by their present obligations to the Commonwealth, or any other party.

Proviso.

When to take effect.

SECT. 2 This act shall not take effect until it shall have been accepted by said corporation, at a meeting called for that purpose. [*Approved by the Governor, May 24, 1856.*]

AN ACT to authorize the First Congregational Parish in West Cambridge to *Chap. 183*  
enclose their Land.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1 The First Congregational Parish in the town of West Cambridge are hereby authorized and empowered to enclose the land belonging to said parish, and to make such change in the roads and ways by which said land is traversed as they may think proper, and as shall be approved by the selectmen, or a majority thereof, of said town : *pro-* May enclose lands, &c.  
*vided*, that there shall be reserved to Nathan Robbins, his heirs and assigns, a way two rods in width, upon and over said land, and extending along the easterly line of his estate, from Main Street to the wall of the burial ground ; he not being authorized hereby to remove any shed now on said way without the consent of the owner thereof.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1856.*]

AN ACT in addition to an Act in relation to Law Library Associations. *Chap. 184*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The counsellors and attorneys at law, duly admitted to practice in the courts of this Commonwealth, resident in either of the counties, who have omitted to organize a law library association in their respective counties, are hereby authorized to organize themselves in their counties respectively, into an association, by the name of the Law Library Association for such county, under the like provisions, and with the same rights, powers and duties, as if the said association had been organized within the time prescribed by the ninety-fourth chapter of the statutes of the year eighteen hundred and forty-two ; and said association, when so organized, shall be deemed and taken to be a corporation, and entitled to all the privileges, and subject to all the provisions applicable to law library associations, created under, and pursuant to the act aforesaid. [*Approved by the Governor, May 24, 1856.*]

**Chap. 185**

AN ACT in relation to Sheriffs and their Deputies.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Fees for travel.

Every sheriff and deputy-sheriff who shall attend on any court of record, or at any meeting of the county commissioners, by their order, shall be allowed for his travel, out and home, four cents a mile, once during each week that they may be in attendance. [*Approved by the Governor, May 24, 1856.*]

**Chap. 186**

AN ACT concerning Idle and Disorderly Persons.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Act defined.

The words "idle and disorderly persons," in the fifth section of the one hundred and forty-third chapter of the Revised Statutes, shall be held to include all persons, who neglect all lawful business, and habitually misspend their time, by frequenting houses of ill fame, gaming-houses or tipling shops. [*Approved by the Governor, May 24, 1856.*]

**Chap. 187**

AN ACT in addition to an Act to incorporate the Cutting Machine Manufacturing Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Additional powers.

SECT. 1. The Cutting Machine Manufacturing Company, in addition to their present powers, are hereby authorized to do repair work, and make such machines as may be connected with the manufacture and use of their cutting machines.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 24, 1856.*]

**Chap. 188**

AN ACT to enable parties in Civil Actions to be Witnesses therein.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Parties in actions may testify, &amp;c.

Parties in all civil actions may be admitted to testify in their own favor, and may be called as witnesses by the opposite party: *provided*, that no party so testifying shall be compelled to criminate himself; and *provided, also*, where the original party to the contract, or cause of action, is dead,

Proviso.

or when an executor or administrator is a party to the suit, the other party shall not be admitted to testify. [*Approved by the Governor, May 26, 1856.*]

AN ACT in addition to an Act to supply the City of Worcester with Pure Water. Chap. 189

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The city of Worcester is hereby authorized and empowered to take and convey into and through the said city, the waters of Kettle Brook, so called, in the south-westerly part of said city, the waters of the same to be taken from said brook at a point about two miles from the village of New Worcester, so called, by an aqueduct, direct into said city, or at a point higher up said brook, in the town of Leicester, and conducted by an artificial channel into Henshaw Pond, so called, in said town of Leicester, and so through said pond and along with the waters of said pond into said city ; or, take the waters of Half-way River, so called, in the southerly part of Worcester, from a pond raised by means of a dam across the valley of said river ; or, to take water from Mill Brook or vicinity, so called, in the northerly part of Worcester, or from Quinsigamond Pond, so called, in the easterly part of said Worcester, as the city council may elect, and to take and hold any water that may flow into any of said ponds or streams, or into and from either of the above water-courses, and any water-rights connected therewith, and any lands or estates necessary for the laying out and maintaining an aqueduct for conducting the waters from either of said sources to said city, and for forming reservoirs ; and may also take and hold land around the margin of either of said ponds, or around any reservoirs or water-sources which they may possess or create, in the valleys of said brooks, for the purpose of supplying the said city with pure water. Water, where obtained.  
May hold land, &c.

SECT. 2. The said city of Worcester may make and build an aqueduct from either of the aforesaid sources of supply, to, into and through the said city, and secure and maintain the same by any works suitable therefor ; may erect and maintain a dam or dams at the outlet of either of said ponds, and across the valleys of either of said brooks, at the points above mentioned, and at other points above the same, to raise and retain the waters therein ; and may erect and maintain reservoirs, enlarge and alter water-courses, make and maintain hydrants in such places as may be deemed May build aqueduct, &c.



proper ; may distribute the waters through the city, and for that purpose may lay down pipes through and across any street, road or highway, or over and across lands to any buildings in said city ; may regulate the use of the water, and establish and fix rents or rates for the consumption and use thereof ; and for the purposes aforesaid, the city may conduct said aqueduct over, under or across, or along any street, highway, or other way, in such manner as not to obstruct travel thereon ; and may enter upon and dig up any such road, street or highway, by consent of the town in which the same may be located, for the purpose of laying down pipes beneath the surface of the same, and for the repairing thereof.

City to appoint officers, &c.

SECT. 3. The rights, powers and authority, given by this act, shall be exercised by the city of Worcester, subject to the restrictions, duties and liabilities, herein contained, in such manner, and by such officers, servants and agents, as the city council shall, from time to time, ordain, appoint and direct.

City to issue scrip.

SECT. 4. For the purpose of defraying the cost of such land, water and water-rights so taken and held as aforesaid, and of constructing and maintaining said aqueduct, reservoirs and works necessary for the accomplishment of the end contemplated by this act, and all expenses incident thereto, the city council shall have authority to borrow, from time to time, such sums of money, and to issue bonds, notes or certificates, therefor, to be denominated on the face thereof, Worcester Water Scrip, to an amount not exceeding three hundred and fifty thousand dollars, bearing interest not exceeding six per cent., payable semi-annually, and the principal to be made payable at periods not less than ten years from the date thereof ; and the city council may sell the whole or any part of said scrip, from time to time, or pledge the same for money borrowed for the purposes of this act, on such terms and conditions as it shall deem proper. And the said city council is hereby further authorized to grant appropriations, and assess, from time to time, such sums of money, not exceeding in any one year the sum of ten thousand dollars, towards paying the principal of the moneys so borrowed, besides a sum sufficient to pay the interest thereof, in the same manner as moneys are appropriated and assessed for other city purposes.

When payable.

Price of water.

SECT. 5. To enable the city council to pay the interest as it may accrue upon said scrip, and ultimately the principal thereof, it shall be lawful for the said council to fix and establish the price or rate which shall be paid for the use of

any part of said water, by any taker thereof in said city, and the same to alter, from time to time, as may be deemed expedient.

SECT. 6. If any person shall wantonly or maliciously divert the waters, or any part thereof, from any of the ponds, brooks, reservoirs or water-sources, which shall be taken by the city pursuant to the provisions of this act, or shall corrupt the same, or destroy or injure any dam, aqueduct, conduit, pipe, hydrant or other property held and used by the city by authority and for the purpose of this act, every such person or persons shall forfeit and pay to the said city of Worcester, three times the amount of the damages that shall be sustained thereby, to be recovered in any proper action; and upon indictment and conviction for either of said acts, shall be punished by a fine not exceeding one thousand dollars, and by imprisonment in the house of correction of the county not exceeding one year.

Penalty for diverting water, &c.

SECT. 7. All damages which may be sustained by reason of the taking by said city of any of the ponds or brooks aforementioned, or of the water thereof, or the water-rights connected therewith, or of diverting any portion of said water from its natural channel into other channels, or of erecting and maintaining any dam or reservoir, or digging up any land, street, road or highway, and entering upon the same for laying, repairing and maintaining pipes, conduits, hydrants, and other apparatus necessary thereto, shall be paid by the said city of Worcester to the individual or corporation injured, which damages shall be assessed in the same manner as is provided in the twenty-fourth chapter of the Revised Statutes with regard to highways.

Damages, how assessed and paid.

SECT. 8. The provisions of this act shall be void unless submitted to, and approved by, the voters of the city of Worcester, at meetings held simultaneously for that purpose, in the several wards, upon notice duly given, at least seven days before the time of holding said meetings. [*Approved by the Governor, May 26, 1856.*]

Act void unless approved, &c.

AN ACT in addition to an Act to incorporate the Worcester County Mechanics' Association. *Chap. 190*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The Worcester County Mechanics' Association may hold real estate to an amount not exceeding fifty thousand dollars, in addition to the sum specified in the sixty-sixth chapter of the acts of the year one thousand eight hundred and fifty. [*Approved by the Governor, May 28, 1856.*]

Additional real estate.

**Chap. 191**

AN ACT to incorporate the Homœopathic Medical Dispensary.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Privileges, restrictions, &amp;c.

May hold and dispose of real and personal estate.

Proviso.

SECT. 1. John H. Wilkins, Charles B. Hall, Jacob Sleeper, of Boston, together with their associates and successors, be, and hereby are, made a corporation by the name of the Homœopathic Medical Dispensary; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation are hereby authorized to make purchases, and receive grants and donations of real and personal estate, and to hold and manage, and to dispose of the same, as may be deemed best by this corporation, for the better fulfilment of the charitable purposes aforesaid: *provided*, that said real and personal estate shall not exceed in value the sum of fifty thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 28, 1856.*]

**Chap. 192**

AN ACT to authorize David Low to extend the Wharf belonging to the heirs of George Parkhurst, deceased.

*Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May extend wharf in Gloucester.

Rights, &amp;c.

Proviso.

SECT. 1. David Low is hereby authorized to extend the wharf belonging to the heirs of George Parkhurst, deceased, in the "upper cove" in the harbor of Gloucester, fifty feet from that wharf as it now is; and he shall have the right to lay vessels at the end and sides of the said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person whatever.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 28, 1856.*]

**Chap. 193**

AN ACT to authorize Benjamin H. Breitt and Barnabas S. Young to build a Wharf.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Wharf in Wellfleet.

Benjamin H. Breitt and Barnabas S. Young are hereby authorized to build and maintain a wharf from the north side of Great Island, so called, in the town of Wellfleet,

and to extend the same two hundred feet from high-water mark: *provided, however*, that the said wharf shall not Provide. extend into the channel, so as to obstruct the navigation of said channel; and they shall have the right to lay vessels at Rights, &c. the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this act shall, in no Provide. wise, interfere with the legal rights of any person or persons whatever; and *provided, further*, that this grant shall not Provided, further. extend beyond the first day of March, in the year one thousand eight hundred and sixty-one. [Approved by the Governor, May 28, 1856.]

AN ACT authorizing the Fitchburg Gas Company to supply the Inhabitants of Fitchburg with Water. Chap. 194

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The Fitchburg Gas Company are hereby authorized to supply the inhabitants of Fitchburg with water, by means of aqueducts, and may establish rents therefor; and for that purpose, said company shall have the same powers, and be subject to all the duties, restrictions and liabilities, in laying down pipes for the conveyance of water, that they now have, or are subject to, by virtue of their charter, in laying down pipes for the conveyance of gas. Gas company may supply water, &c. Privileges, restrictions, &c. [Approved by the Governor, May 28, 1856.]

AN ACT to incorporate the Boston and North Cambridge Omnibus Company. Chap. 195

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. Lewis Putnam, Henry A. Snow, Joseph A. Bruce, their associates and successors, are hereby made a corporation by the name of "The Boston and North Cambridge Omnibus Company," for the purpose of maintaining and running a line of omnibuses between the city of Boston and the northerly part of the city of Cambridge, through the town of Somerville, for the conveyance of passengers; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes. Corporators. Name. Purpose. Privileges, restrictions, &c.

SECT. 2. Said corporation may hold real estate and personal property to an amount not exceeding twenty thousand dollars, and the whole capital stock shall not exceed the amount of thirty thousand dollars. Real and personal estate, \$20,000. Whole capital, \$30,000.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, May 28, 1856.*]

**Chap. 196**

AN ACT to authorize the Selectmen of Wellfleet to build a Bridge.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Bridge in Wellfleet.

SECT. 1. The selectmen of the town of Wellfleet are hereby authorized and empowered to construct a bridge across the north-east arm of Duck Creek, in said town, from Hamblen's Island, so called, to some point eastward of the wharf of Timothy A. Daniels, the same being above navigation on said creek.

When to be finished.

SECT. 2. The said selectmen of Wellfleet shall lay out and finish said bridge within two years from the passage of this act.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 28, 1856.*]

**Chap. 197**

AN ACT to incorporate the Boston Inland Mutual Insurance Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Duration.

Purpose.

Caleb Stetson, Samuel Lawrence, James C. Converse, their associates and successors, are hereby made a corporation by the name of the Boston Inland Mutual Insurance Company, to be established in Boston, and to continue for the term of twenty years, for the purpose of making insurance, on the mutual principle, against losses by fire and all marine risks, as well as against all inland navigation and transportation risks, upon goods, wares, merchandise and all other property to be transported from or to any place within this Commonwealth, to or from any and all places within the United States or the Canadas, with power also to contract for and insure the true and safe delivery of the same within such time and upon such terms as may be fixed by any agreement made by said corporation; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and in all statutes which have since been passed, or which may hereafter be passed, relating to mutual fire and marine insurance companies. [*Approved by the Governor, May 28, 1856.*]

Privileges, restrictions, &c.

AN ACT to incorporate the South Reading Hotel Company.

Chap. 198

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. E. G. Stevens, B. W. Robinson, James M. Stone, their associates and successors, are hereby made a corporation under the name of the "South Reading Hotel Company," for the purpose of erecting a hotel in the town of South Reading, and maintaining such public house and the improvements connected therewith; and for these purposes, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that the said corporation shall not carry on the business of hotel-keeping, or be in any way interested in such business.

Name.

Purpose.

Privileges, restrictions, &c.

Proviso.

SECT. 2. The whole amount of real and personal estate, or capital stock, which said corporation may hold for the purposes aforesaid, shall not exceed forty thousand dollars in value. [Approved by the Governor, May 28, 1856.]

Real and personal estate, \$40,000.

AN ACT to change the Name of the Female Medical Education Society to New England Female Medical College, and to reorganize the same.

Chap. 199

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The name of the Female Medical Education Society, shall hereafter be New England Female Medical College.

Name changed.

SECT. 2. All the government and business of said college shall be conducted by a board of trustees, consisting of twenty members. The present directors, to wit,—John S. Tyler, Benjamin C. Clark, Samuel E. Sewall, Adam W. Thaxter, Jr., Dexter S. King, John P. Jewett and Samuel Gregory, shall be trustees till others are chosen in their stead.

Government of college.

SECT. 3. At the first meeting of the above named seven trustees of said college, they shall choose thirteen persons to complete the board of trustees. When the number of twenty is thus completed, they shall be divided, by lot, into five classes of four each, whose terms of office shall successively expire in one, two, three, four and five years; and at the end of each year four trustees shall be chosen for five years, the choice to be made by the sixteen trustees remaining in office.

Choice of trustees.

SECT. 4. The trustees shall have power to fill all vacancies.

Powers of trustees.

cies, occurring from any cause, in their board; to elect a president, secretary, treasurer, and such other officers as they may consider necessary; to make by-laws; to appoint professors, who shall constitute a medical faculty; and to confer the usual degree of doctor of medicine.

When to take effect.

SECT. 5. This act shall take effect as soon as the same shall have been accepted at a meeting of the Female Medical Education Society, called for the purpose; of which meeting notice shall be given by said directors, by publishing a call for the meeting in not less than three of the newspapers printed in Boston, at least six days before the meeting. [Approved by the Governor, May 28, 1856.]

**Chap. 200** AN ACT to authorize the Directors of Liberty Hall Association to purchase and hold additional Real Estate.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Directors authorized to purchase additional real estate.

Not to exceed \$10,000.

Not to take effect unless, &c.

SECT. 1. The Directors of Liberty Hall Association, in the city of New Bedford, are authorized to purchase real estate for the purposes of said association, to an amount not exceeding ten thousand dollars, to be held by the proprietors of said association, in common with the other property belonging to said association; and they may raise money for the same by assessments on the members, and collect the same in the same manner as provided by the forty-third chapter of the Revised Statutes, for raising money for other purposes by associations organized under that chapter.

SECT. 2. This act shall not take effect unless duly approved by the proprietors of Liberty Hall Association, at a meeting duly called for that purpose. [Approved by the Governor, May 28, 1856.]

**Chap. 201**

AN ACT to incorporate the West Roxbury Railroad Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Corporators.

Power to construct railway.

Location.

SECT. 1. Stephen M. Weld, William Wellington, Jr., and John Gardner Weld, their associates and successors, are hereby made a corporation by the name and title of the West Roxbury Railroad Company; with power to construct, maintain and use a railway or railways, with convenient single or double tracks, from such point or points of the town of West Roxbury, upon and over the streets or highways therein, to the line separating said town from the

city of Roxbury, as shall be, from time to time, fixed and determined by vote of the selectmen of said town, and assented to in writing by said corporation; and at said line to connect with the Metropolitan Railroad Company, at such points as may be agreed upon, in writing, between two said railroad companies, and assented to by a vote of the mayor and aldermen of said city of Roxbury: *provided*, that all tracks of said railroads shall be laid at such distances from the sidewalks in said town, as the selectmen thereof shall, in their orders fixing the routes of said railroad, determine to be for the public safety and convenience: *provided, further*, that before the location or construction of any track in any street, the selectmen of said town shall give notice to the abutters thereon fourteen days, at least, before the hearing, that they may show cause, if any there be, why said track shall not be so located and constructed; and said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons or property thereon, as they may think expedient, and be subject to all the duties, restrictions and liabilities, and entitled to all the rights and privileges, prescribed by the forty-fourth chapter of the Revised Statutes: *provided, however*, that nothing herein contained shall be so construed as to authorize the construction of any part of the railway hereby authorized, within the limits of the city of Roxbury.

*Provido.*

*Provided, further.*

*Provided, however.*

SECT. 2. Said tracks or road shall be operated and used by said corporation with horse-power only, and it shall not connect its track with any other railroad on which other power is used. The selectmen of said town shall have power, at all times, to make all such regulations, as to the rate of speed and mode of use of said tracks, as the public convenience and safety may require.

*Horse-power, only.*

SECT. 3. Said corporation shall maintain and keep in repair such portion of the streets, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of its agents and servants, in the management, construction or use of said tracks or roads; and, in case any recovery shall be had against said town by reason of such defect, want of repair or use, said corporation shall be liable to pay to said town any sums thus recovered against it, together with all cost and reasonable expenditures incurred by said town, in the defence of any such suit or suits, in which such recovery shall be had; and said corporation shall not encumber any portion of the streets not occupied by the said road or tracks.

*Repairs, &c.*



Fine for obstruct-  
ing, &c.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Capital stock,  
\$200,000, in  
shares of \$50.

SECT. 5. The capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, to be divided into shares of fifty dollars each; and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares which shall first be issued.

May hold real es-  
tate.

SECT. 6. Said corporation shall have power to purchase and hold such real estate, within said town, as may be necessary or convenient for the purposes and management of said road.

West Roxbury  
may purchase  
franchise, &c.

SECT. 7. The town of West Roxbury may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use,—purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying them therefor such a sum as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon.

Gauge and grade  
of road.  
Provided.

SECT. 8. The said road shall be constructed and maintained in such form and manner, and upon such grade, and with such gauge, as the selectmen of said town may, in their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by the selectmen of said town.

Act not to pre-  
vent authorities,  
&c.

SECT. 9. Nothing in this act shall be construed to prevent the town authorities of said town from taking up any of the public streets traversed by the said railroad, for the purposes for which they may lawfully take up the same.

Act void unless,  
&c.

SECT. 10. This act shall be void so far as relates to the

right to construct said road in said town, unless the same shall be accepted by the citizens thereof in town meeting, and unless the same shall be accepted by said corporation, and ten per cent. of the capital thereof paid in, within two years from the passage of this act.

SECT. 11. The said corporation shall be deemed a rail- Returns.  
road corporation, so far as to be subject to make such annual returns to the legislature as are, or may be, prescribed by law; but not to the other general provisions of law in relation to railroad corporations.

SECT. 12. The existence of said corporation is hereby Duration.  
limited to the period of fifty years from the passage hereof.  
[Approved by the Governor, May 28, 1856.]

AN ACT to authorize the appointment of Auditors, and defining their Powers. *Chap. 202*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Whenever a cause is at issue in any court, Court may ap-  
point auditors.  
whether the form of the action be contract, tort, or replevin, the justice of the court before whom the same is pending, may, in his discretion, appoint one or more auditors to hear the parties and report upon such matters therein as may be directed by the said court; and the report in such case shall Report to be evi-  
dence, &c.  
be *prima facie* evidence upon such matters only as are expressly embraced in the order of the court.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 28, 1856.]

AN ACT authorizing the County Commissioners of the County of Essex to lay *Chap. 203*  
out and construct a Highway in the Town of Manchester.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The county commissioners of the county of Highway in Man-  
chester.  
Essex are hereby authorized and empowered, if, in their judgment, they deem it expedient, to lay out a highway in the town of Manchester, commencing at a point near the depot of the Gloucester Branch Railroad, crossing said road and the tide-water of the creek next adjoining said railroad, and also the creek known as Day's Creek, so called, to some convenient point on the Old Neck, so called. Said commissioners, in laying out and constructing said highway, shall conform to all laws with regard to the laying out of highways and bridges.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 28, 1856.]

**Chap. 204** AN ACT to establish and confirm the Boundary Line between the Town of Chilmark and the Indians of Gay Head.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Boundary line established.

The boundary line between the town of Chilmark and the land of the Indians of Gay Head, in the county of Dukes, as laid down and described in the report of the commissioners appointed under the resolve of the legislature, approved the ninth day of March, eighteen hundred and fifty-five, is hereby established and confirmed. [Approved by the Governor, May 28, 1856.]

**Chap. 205** AN ACT to authorize Joseph Friend, Frederic Norwood and Samuel K. Friend, to extend their Wharf.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May extend wharf in Gloucester.

Rights, &c.

Proviso.

SECT. 1. Joseph Friend, Frederic Norwood and Samuel K. Friend, are hereby authorized to extend their wharf in the "Upper Cove," in the harbor of Gloucester, thirty feet from their wharf as it now is ; and they shall have the right to lay vessels at the end and sides of the said wharf, and receive wharfage and dockage therefor: *provided*, that this act shall in no wise impair the legal rights of any person whatever.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 28, 1856.]

**Chap. 206** AN ACT to confirm the Title of certain lands in Tisbury to Jemima Baston and her Heirs, and other Indians of Deep Bottom.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Title established.

SECT. 1. The title of all the tract of land known as Deep Bottom, situate in the town of Tisbury, in the county of Dukes County, with all rights, privileges and appurtenances thereto belonging, is hereby established and confirmed, in accordance with the report of the commissioners appointed under the resolve of the legislature, approved the seventeenth day of May, eighteen hundred and fifty-five, namely: To James Look of Tisbury, and his heirs and

assigns, and to William Sanford Vincent, and his heirs and assigns forever, the several tracts to them respectively allotted and bounded as described in the appendix to the report aforesaid, and in the plan accompanying the same, and the remainder of the said land to Jemima Easton and her heirs and assigns, and to the other Indians of Deep Bottom, and their heirs and assigns, forever.

SECT. 2. John Vinson, Esquire, of Edgartown, or such other person as the governor may appoint in his stead, in case of inability or refusal of said Vinson to act in this matter, is hereby authorized,—in conjunction with any other person whom the majority of the Indians at Deep Bottom, of lawful age, of both sexes, may appoint, subject, however, to the approval of the governor,—to make such division and apportionment of the lands at Deep Bottom among the said Indians, as they may deem just and equitable; and such apportionment and division shall, after being recorded in the registry of deeds in said county, vest a fee simple in each parcel of said lands, in such Indian or Indians, as such parcel may be apportioned and assigned to in the said division: *provided, however*, that if any of the said Indians shall represent themselves as aggrieved in the division and apportionment of said lands, to the governor and council, a revision of said division and apportionment may be ordered by the governor and council, if they shall see fit; and in case of such complaint, no registry shall be made thereof until it shall have been approved by them.

Apportionment  
of lands among  
the Indians.

Proviso.

SECT. 3. The said John Vinson, and such as may be authorized, as above provided, for the distribution of said lands, are also hereby authorized to receive from the commissioners named in the first section, the several sums of money paid to them by way of compromise and settlement, as stated in their report; and to divide and distribute the same among the said Indians in such manner as they may deem just and equitable. [*Approved by the Governor, May 28, 1856.*]

Distribution of  
money.

AN ACT to amend the Charter of the City of Lowell.

Chap. 207

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. At the annual city election in the city of Lowell, on the second Monday of December next, there shall be elected in each ward one person, being an inhabitant of said ward, to be a member of the school committee of said city,

Election of school  
committee.

for the term of one year from the first Monday in January next; and another person, being also an inhabitant of said ward, to be a member of the school committee of said city, for the term of two years from the first Monday in January next: and at the annual city election in said city on the second Monday in December in each year thereafter, there shall be elected in each ward in said city, one person, being an inhabitant of said ward, to be a member of the school committee of said city, for the term of two years from the first Monday in January next following such election.

Committee, how constituted.

SECT. 2. The mayor and president of the common council, *ex officio*, together with the persons elected as provided in the first section, shall constitute the school committee of Lowell.

Act void, unless accepted, &c.

SECT. 3. This act shall be void unless accepted by a majority of the legal voters of said city, voting thereon, at the election to be holden in said city on the second Monday in June next. [*Approved by the Governor, May 29, 1856.*]

### Chap. 208

AN ACT in relation to Certain Proceedings in Probate Courts.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Case may be removed to adjoining county when judge is executor, &c.

SECT. 1. Any judge of probate in this Commonwealth may order any case in which he is, or may be executor, administrator, guardian or trustee, and which was, or may be, unfinished and pending at the time of his appointment in the court of which he has been, or may be, appointed judge, to be removed to the probate court of the most ancient adjoining county; and upon such order the case shall be so removed, and copies of the records of proceedings had in the case, and copies of all papers filed therein, shall thereupon be entered, filed and recorded in the probate court of the latter county; and after such removal, the further proceedings in the case and the disposal and settlement thereof, shall be the same in the county to which it may be thus removed, as if it had been originally commenced therein, giving full effect to all proceedings had in the case previous to its removal.

Same, if any way interested.

SECT. 2. Any judge of probate may, on motion of any party in the case, or of any person interested therein, order any case commenced before his appointment as judge in the court of which he is, or may be judge, and in which case such judge was retained, or employed as counsel, or otherwise concerned or interested before his appointment, to be

removed to the most ancient adjoining county; and upon such order the case shall be so removed, in the same manner, and with the same effect, as provided in relation to the removal of certain other cases by the first section of this act; and unless such motion shall be made, such case need not be removed, and the court in which the same was commenced may continue to have jurisdiction therein.

SECT. 8. This act shall take effect from and after its passage. [Approved by the Governor, May 30, 1856.]

AN ACT relating to the Record of Attachments.

Chap. 209

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The thirtieth section of the ninetieth chapter of the Revised Statutes, is so far amended, that in cases where there are more than one defendant, the clerk shall not be required to enter in the book therein mentioned, the name of any defendant whose real estate is not attached. [Approved by the Governor, May 30, 1856.]

Duty of clerks in cases of attachment.

AN ACT to incorporate the Abington Mutual Fire Insurance Company.

Chap. 210

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. Asaph Dunbar, Joshua L. Nash, William Brown, their associates and successors, are hereby made a corporation, by the name of the Abington Mutual Fire Insurance Company, to be established in the town of Abington, for the term of twenty-eight years, for the purpose of insuring dwelling-houses and other buildings, and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other laws of this Commonwealth, made or to be made, relating to such corporations.

Name.

Term.

Purpose.

Privileges, restrictions, &c.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, May 30, 1856.]

AN ACT to incorporate the Farm Pond Fishing Company, in Edgartown.

Chap. 211

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. Elijah Norton, Benjamin Davis and Orlando E. Davis, their associates, successors and assigns, are hereby

Corporators.

Name.	made a corporation by the name of the "Farm Pond Fishing Company, in Edgartown," in Dukes county; and are
Power, &c.	empowered to close the present outlet of said pond, and to make another outlet at such place as they may select, through the lands of said proprietors, to the Vineyard Sound, for the purpose of creating a herring fishery.
Proprietors may regulate herring fishery.	SECT. 2. The aforesaid corporation are hereby empowered, by seines, nets, or otherwise, to take herring from the waters of the said pond, or the outlet thereof, at such times as a majority of the proprietors, at a legal meeting, may direct.
Penalty for unlawful fishing.	SECT. 3. If any person shall set, stretch or drag, a seine or net in said pond, or outlet thereof, except as above provided, without the consent of said company, he shall forfeit and pay to the use of said company, the sum of ten dollars for each offence, and an additional sum of ten dollars for each and every barrel of herring so taken, to be recovered in any court proper to try the same: <i>provided, however</i> , that nothing in this act shall prevent any person from taking any other fish from said pond.
Proviso.	
Rights of adjoining owners.	SECT. 4. The present owners of lands adjoining the said pond, or creek, or outlet, shall have each one share only in said fishery; and no one of them shall, by conveyance or descent of his lands, create or cause to be created, an additional number of shares: <i>provided, however</i> , that each of the present owners, or his successors or assigns, may divide his original share into parts or fractions.
Proviso.	
Existing rights not affected.	SECT. 5. The foregoing provisions of this act shall not affect the existing rights of any person or corporation. <i>[Approved by the Governor, May 30, 1856.]</i>

**Chap. 212** AN ACT to incorporate the Independent Benevolent Society, in Newburyport.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.	SECT. 1. Patrick McGlew, George E. Rogers, Patrick Henry, Francis Waters, Hugh McGlew and Timothy Fay, their associates and successors, are hereby made a corporation by the name of the Independent Benevolent Society, at Newburyport, for benevolent and charitable purposes; with all the powers and privileges, and subject to all the duties and liabilities set forth in the forty-fourth chapter of the Revised Statutes.
Name.	
Purpose.	
Privileges, restrictions, &c.	
Real and personal estate not to exceed \$5,000.	SECT. 2. Said corporation may take and hold real and personal estate, not exceeding the value of five thousand

dollars, for the aforesaid benevolent and charitable purposes.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, May 30, 1856.*]

AN ACT in addition to an Act to incorporate the Lynn Library Association.

Chap. 213

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The trustees named in the second section of an act to incorporate the Lynn Library Association, passed March twenty-fourth, in the year of our Lord one thousand eight hundred and fifty-five, shall be chosen by the members of the association, at a meeting legally called for that purpose. Trustees, how chosen.

SECT. 2. So much of the above named act as is inconsistent with this act is hereby repealed. Partial repeal.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 30, 1856.*]

AN ACT for the protection of the Fisheries on the South Shore and Bays, on the South Side of the Town of Barnstable and District of Marshpee.

Chap. 214

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. It shall be unlawful to set or draw any seine or dragnet, to take fish, in any of the bays, or in waters within one mile from the beach and shore on the south side of the town of Barnstable and district of Marshpee, within the limits between Succanesset Point and Point Gammon, between the first day of April and the first day of November, in each year. Seine fishing prohibited from April to November.

SECT. 2. The provisions of the sixteenth section of the fifty-fifth chapter of the Revised Statutes, concerning the taking of shell fish in the town of Chatham, shall be, and the same hereby are, extended to the south shore of the town of Barnstable and district of Marshpee. Provisions of R. S. concerning taking shell fish extended.

SECT. 3. Every person violating any provision of this act, shall forfeit and pay, for each offence, not less than twenty nor more than one hundred dollars, to be recovered, together with costs of suit, by an action of tort, brought by any inhabitant of said town or district, in any court competent to try the same. Penalty.

SECT. 4. Any boat, craft or seine, being in the possession or use of any person violating the provisions of this act, Boats, &c., violating, liable to seizure.



at the time and place of such violation, may be seized by any inhabitant of said town or district, and detained, not exceeding forty-eight hours, in order that the same, if need be, may in that time be attached or arrested, by due process of law, for the better security of the payment of the said fines and forfeitures, with cost: *provided, however*, that if the person owning or so in the possession or use of such boat or craft, shall, before being sued therefor, pay said highest named penalty, to either the treasurer of the town of Barnstable or of the district of Marshpee, such boat or craft shall be discharged, with the contents therein; and *provided, also*, that if the person owning, or so in the possession or use of such seine shall, as aforesaid, pay as aforesaid, the said lowest named penalty, such seine shall be discharged in like manner.

Proviso.

Provided, further.

Fines, how disposed of.

Certain seine fishing lawful.

SECT. 5. All forfeitures and penalties recovered and received, by virtue of this act, shall go, one-half to the complainant and the other half for the use of the said town, if the complainant shall be an inhabitant thereof, or for the use of said district, if the complainant shall be an inhabitant of said district.

SECT. 6. Nothing in this act contained shall be construed to prevent the taking of menhaden or mackerel, by the use of seines, within the said waters between Succanisset and Point Gammon, when used *bona fide*, for that purpose, and not for the purpose of taking other fish.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 30, 1856.*]

**Chap. 215** AN ACT relating to the Organization of Corporations for Educational, Charitable and Religious Purposes.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Seven or more persons may organize as corporations.

SECT. 1. Any seven or more persons within the Commonwealth who shall, by writing, associate themselves together under any name, by them assumed, for educational, charitable or religious purposes, and shall comply with the provisions of this act, shall, with their successors, be and remain, a body politic and corporate.

Purposes, &c., to be specified.

SECT. 2. The purpose for which such corporation shall be established, and the town or city within which it is established or located, shall be distinctly specified in their articles of association, and it shall not be lawful for such corporation to appropriate its funds to any other purpose.

Privileges, restrictions, &c.

SECT. 3. Any corporation organized in accordance with

the provisions of this act, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, so far as the said provisions shall be applicable to corporations organized under the provisions of this act.

SECT. 4. Such corporations may hold real and personal estate necessary for the purposes of said organization, to any amount not exceeding two hundred thousand dollars. Real and personal estate not to exceed \$200,000.

SECT. 5. The real and personal estate of any company, organized under the provisions of this act, shall not be exempted from taxation in any case where any part of the income or profits of the business of such corporation is divided among the members or stockholders of said corporation, or where any portion of said real and personal estate is used or appropriated for other than educational, charitable or religious purposes. *[Approved by the Governor, May 30, 1856.]* Not exempt from taxation.

AN ACT concerning General Fields.

Chap. 216

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

At all meetings of proprietors of general fields, for adopting rules or regulations as to pasturing their lands, where any proprietor's land is enclosed for his own exclusive benefit, the land so enclosed shall not be valued or reckoned in determining said proprietor's right to vote on questions relating to the pasturing of said proprietor's lands. *[Approved by the Governor, May 30, 1856.]* Enclosed lands not to be reckoned in voting.

AN ACT concerning Beaches in the Town of Swampscott.

Chap. 217

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. No person shall carry away or remove, by land or water, any sand, stones, gravel, or mud, from the several beaches in the town of Swampscott known as King's Beach, Blaney's Beach and Whale Beach, without permission first obtained from the selectmen of said town, or from some person or persons duly authorized by the said selectmen to grant such permission. Sand, &c., not to be removed unless by permission, &c.

SECT. 2. Any person who shall offend against any of the provisions of this act, shall forfeit and pay for each offence a sum not exceeding twenty dollars, to be recovered by complaint or indictment in any court of competent jurisdiction. Penalty for offending.

tion, one-half for the use of the complainant, the other half for the use of the said town.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 30, 1856.*]

### Chap. 218

AN ACT to incorporate the Worcester Peat Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Corporators.

Name.

Purpose.

Real and personal estate.

Privileges, restrictions, &c.

SECT. 1. Edward Earl, William Dickinson and John Field, their associates and successors, are hereby authorized to organize a corporation, by the name of the Worcester Peat Company, for the purpose of digging and preparing peat for fuel, with the right to hold real and personal estate, necessary and convenient therefor, to an amount not exceeding fifty thousand dollars; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the one hundred and thirty-third chapter of the acts of the year one thousand eight hundred and fifty-one, and the several acts in addition thereto.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 30, 1856.*]

### Chap. 219

AN ACT to incorporate the Trustees of the Funds of Trinity Church in Bridgewater.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Corporators.

Name.

Privileges, restrictions, &c.

Corporation may hold funds, &c.

Proviso.

SECT. 1. Alfred L. Baurý, of Boston, Theodore Edson, of Lowell, and John Edson, of Bridgewater, their associates and successors, are hereby made a corporation, by the name of the Trustees of the Trinity Church in Bridgewater; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may receive and hold all the funds of said Trinity Church, and such other real and personal estate as may accrue to or for the benefit of said church, by gift, grant, or otherwise, and apply the same in the way and manner which has been, or may be provided, by the donor or donors, and for no other purpose whatever: *provided*, that the whole amount of the aforesaid funds, together with such real and personal estate as may be added thereto, shall not exceed twenty thousand dollars.

SECT. 3. Said trustees shall have power to make and

establish such by-laws as they may judge necessary, to fill all <sup>Vacancies.</sup> vacancies that may occur in their body, by death, resignation, or otherwise; and at the first meeting of said trustees, or at any annual meeting thereof, the number of trustees may be increased, if judged expedient by those present: <sup>Number of trustees.</sup> *provided*, that the whole number shall not exceed nine, nor <sup>Proviso.</sup> be less than three.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 30, 1856.*]

AN ACT to incorporate the Nantucket Propeller Company.

Chap. 220

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Edward G. Kelley, Alanson Swain, their asso- <sup>Corporators.</sup> ciates and successors, are hereby incorporated, for the pur- <sup>Purpose.</sup> pose of running steam propellers between Nantucket and New York, with a capital stock not exceeding fifty thousand <sup>Capital, \$50,000.</sup> dollars; with all the rights and privileges, and subject to <sup>Privileges, re- strictions, &c.</sup> all the duties, liabilities and restrictions, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes.

SECT. 2. Said company may organize, by accepting this <sup>Organization.</sup> enactment, and choosing from its stockholders a president, secretary, and three directors, who shall have the general management of the property of the company.

SECT. 3. Said company may make such by-laws for the <sup>By-laws.</sup> regulation of its affairs, as may be deemed expedient, and not inconsistent with the laws of this Commonwealth, at any legal meeting called for that purpose.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 30, 1856.*]

AN ACT to incorporate the Ladies' Benevolent Society of Newbury.

Chap. 221

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Caroline Withington, Maria I. Little, Eliza F. <sup>Corporators.</sup> Noyes, Edna M. Woodman, Lucy Coffin, Ann K. Lunt, their associates and successors, are hereby made a corporation, by the name of the Ladies' Benevolent Society of Newbury, for <sup>Name.</sup> the purpose of taking, holding, investing and distributing <sup>Purpose.</sup> such funds as they now have, or may hereafter be given them, for the charitable and benevolent objects of their asso-

Privileges, restrictions, &c.

ciation ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Regulations.

SECT. 2. Said corporation shall have power to establish such rules and regulations, for the management of their association, as a majority of the members may, from time to time, determine to be expedient and proper.

Real and personal estate, \$10,000.

SECT. 3. Said corporation shall be empowered to hold real and personal estate to an amount not exceeding ten thousand dollars.

SECT. 4. This act shall take effect on and after its passage. [*Approved by the Governor, May 30, 1856.*]

### Chap. 222

AN ACT to punish Fraud by the Sale of Adulterated Milk.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Punishment for selling adulterated milk.

If any person or persons shall adulterate, by water or otherwise, milk to be sold in this Commonwealth, or if any person or persons shall sell, or cause to be sold, milk adulterated by water or otherwise, knowing, or having reason to believe the same to be so adulterated, he or they shall be held guilty of a misdemeanor, and on conviction, be fined twenty-five dollars for the first offence, one-half of which shall be paid to the complainant, and for every subsequent offence fifty dollars, one-half of which shall be paid to the complainant, or by imprisonment in the house of correction not less than two nor more than six months. [*Approved by the Governor, May 30, 1856.*]

### Chap. 223

AN ACT to apportion and assess a Tax of Five Hundred and Ninety-nine Thousand Nine Hundred and Eighty-two Dollars.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Cities and towns assessed.

SECT. 1. Each city or town hereinafter named within this Commonwealth, shall be assessed and pay the several sums with which they stand respectively charged in the following schedule :—

## SCHEDULE.

## SUFFOLK COUNTY.

Boston, . . .	One hundred ninety-seven thousand three hundred eighty-two dollars, . . .	\$197,382 00
Chelsea, . . .	Three thousand five hundred twenty-eight dollars, . . .	3,528 00
North Chelsea, . . .	Seven hundred seventy-four dollars, . . .	774 00
		\$201,684 00

## ESSEX COUNTY.

Amesbury, . . .	One thousand one hundred forty-six dollars, . . .	\$1,146 00
Andover, . . .	Three thousand two hundred twenty-two dollars, . . .	3,222 00
Beverly, . . .	Two thousand three hundred ten dollars, . . .	2,310 00
Boxford, . . .	Five hundred fifty-eight dollars, . . .	558 00
Bradford, . . .	Four hundred eight dollars, . . .	408 00
Danvers, . . .	Three thousand four hundred ninety-eight dollars, . . .	3,498 00
Essex, . . .	Six hundred seventy-two dollars, . . .	672 00
Georgetown, . . .	Seven hundred eighty-six dollars, . . .	786 00
Gloucester, . . .	Two thousand six hundred fifty-two dollars, . . .	2,652 00
Groveland, . . .	Four hundred fifty-dollars, . . .	450 00
Hamilton, . . .	Four hundred sixty-two dollars, . . .	462 00
Haverhill, . . .	Two thousand four hundred thirty dollars, . . .	2,430 00
Ipswich, . . .	One thousand one hundred forty-six dollars, . . .	1,146 00
Lawrence, . . .	Five thousand nine hundred forty six dollars, . . .	5,946 00
Lynn, . . .	Four thousand six hundred thirty-eight dollars, . . .	4,638 00
Lynnfield, . . .	Three hundred seventy-two dollars, . . .	372 00
Manchester, . . .	Five hundred sixty-four dollars, . . .	564 00

## ESSEX COUNTY—CONTINUED.

Marblehead, . . .	Two thousand two hundred eight dollars, . . .	\$2,208 00
Methuen, . . .	One thousand one hundred twenty-two dollars, . . .	1,122 00
Middleton, . . .	Three hundred thirty dollars, . . .	330 00
Newbury, . . .	Six hundred ninety dollars, . . .	690 00
Newburyport, . . .	Five thousand five hundred seventy-four dollars, . . .	5,574 00
Rockport, . . .	Eight hundred twenty-eight dollars, . . .	828 00
Rowley, . . .	Four hundred eighty-six dollars, . . .	486 00
Salem, . . .	Thirteen thousand three hundred thirty-two dollars, . . .	13,332 00
Salisbury, . . .	One thousand one hundred ten dollars, . . .	1,110 00
Saugus, . . .	Five hundred forty-six dollars, . . .	546 00
Topsfield, . . .	Five hundred four dollars, . . .	504 00
Wenham, . . .	Four hundred fourteen dollars, . . .	414 00
West Newbury, . . .	Six hundred thirty-six dollars, . . .	636 00
		<b>\$59,040 00</b>

## MIDDLESEX COUNTY.

Acton, . . .	Six hundred dollars, . . .	\$600 00
Ashby, . . .	Six hundred twelve dollars, . . .	612 00
Ashland, . . .	Four hundred sixty-eight dollars, . . .	468 00
Bedford, . . .	Three hundred eighty-four dollars, . . .	384 00
Billerica, . . .	Eight hundred eighty-two dollars, . . .	882 00
Boxborough, . . .	Two hundred forty-six dollars, . . .	246 00
Brighton, . . .	One thousand six hundred thirty-two dollars, . . .	1,632 00
Burlington, . . .	Three hundred dollars, . . .	300 00
Cambridge, . . .	Ten thousand three hundred eighty dollars, . . .	10,380 00
Carlisle, . . .	Three hundred forty-two dollars, . . .	342 00
Charlestown, . . .	Eight thousand seven hundred eighty-four dollars, . . .	8,784 00
Chelmsford, . . .	One thousand eight dollars, . . .	1,008 00

## MIDDLESEX COUNTY—CONTINUED.

Concord, . . .	One thousand two hundred eighty-four dollars, . . .	\$1,284 00
Dracut, . . .	Seven hundred fifty dollars, . . .	750 00
Dunstable, . . .	Three hundred sixty-six dollars, . . .	366 00
Frammingham, . . .	One thousand nine hundred sixty-eight dollars, . . .	1,968 00
Groton, . . .	One thousand four hundred forty dollars, . . .	1,440 00
Holliston, . . .	Nine hundred twenty-four dollars, . . .	924 00
Hopkinton, . . .	One thousand twenty-six dollars, . . .	1,026 00
Lexington, . . .	One thousand one hundred eighty-eight dollars, . . .	1,188 00
Lincoln, . . .	Four hundred eighty dollars, . . .	480 00
Littleton, . . .	Four hundred ninety-two dollars, . . .	492 00
Lowell, . . .	Seventeen thousand two hundred eight dollars, . . .	17,208 00
Malden, . . .	One thousand eight hundred dollars, . . .	1,800 00
Marlborough, . . .	One thousand two hundred eighty-four dollars, . . .	1,284 00
Medford, . . .	Two thousand four hundred thirty dollars, . . .	2,430 00
Melrose, . . .	Five hundred forty dollars, . . .	540 00
Natick, . . .	One thousand sixty-two dollars, . . .	1,062 00
Newton, . . .	Three thousand one hundred seventy-four dollars, . . .	3,174 00
Pepperell, . . .	Seven hundred ninety-eight dollars, . . .	798 00
Reading, . . .	One thousand two hundred twelve dollars, . . .	1,212 00
Sherborn, . . .	Five hundred forty dollars, . . .	540 00
Shirley, . . .	Five hundred ninety-four dollars, . . .	594 00
Somerville, . . .	Two thousand sixty-four dollars, . . .	2,064 00
South Reading, . . .	Eight hundred fifty-two dollars, . . .	852 00
Stoneham, . . .	Six hundred twelve dollars, . . .	612 00
Stow, . . .	Six hundred fifty-four dollars, . . .	654 00
Sudbury, . . .	Nine hundred thirty-six dollars, . . .	936 00
Tewksbury, . . .	Six hundred thirty-six dollars, . . .	636 00
Townsend, . . .	Nine hundred dollars, . . .	900 00
Tyngsborough, . . .	Four hundred ninety-two dollars, . . .	492 00



## MIDDLESEX COUNTY—CONTINUED.

Waltham, . . .	Two thousand seven hundred eighty-four dollars, . . .	\$2,784 00
Watertown, . . .	Two thousand two hundred ninety-two dollars, . . .	2,292 00
Wayland, . . .	Five hundred sixteen dollars, . . .	516 00
West Cambridge, . . .	One thousand six hundred fifty dollars, . . .	1,650 00
Westford, . . .	Eight hundred twenty-eight dollars, . . .	828 00
Weston, . . .	Seven hundred twenty dollars, . . .	720 00
Wilmington, . . .	Four hundred twenty-six dollars, . . .	426 00
Winchester, . . .	Six hundred eighty-four dollars, . . .	684 00
Woburn, . . .	Two thousand ten dollars, . . .	2,010 00
		<b>\$85,254 00</b>

## WORCESTER COUNTY.

Ashburnham, . . .	Seven hundred fifty dollars, . . .	\$750 00
Athol, . . .	Seven hundred thirty-two dollars, . . .	732 00
Auburn, . . .	Four hundred thirty-two dollars, . . .	432 00
Barre, . . .	One thousand four hundred eighty-two dollars, . . .	1,482 00
Berlin, . . .	Three hundred six dollars, . . .	306 00
Blackstone, . . .	One thousand eight hundred seventy-two dollars, . . .	1,872 00
Bolton, . . .	Five hundred fifty-eight dollars, . . .	558 00
Boylston, . . .	Four hundred sixty-eight dollars, . . .	468 00
Brookfield, . . .	Six hundred ninety-six dollars, . . .	696 00
Charlton, . . .	Nine hundred ninety-six dollars, . . .	996 00
Clinton, . . .	Nine hundred eighty-four dollars, . . .	984 00
Dana, . . .	Two hundred fifty-two dollars, . . .	252 00
Douglas, . . .	Seven hundred fifty-six dollars, . . .	756 00
Dudley, . . .	Six hundred eighty-four dollars, . . .	684 00
Fitchburg, . . .	Two thousand one hundred ninety dollars, . . .	2,190 00
Gardner, . . .	Six hundred eighteen dollars, . . .	618 00

## WORCESTER COUNTY—CONTINUED.

Grafton, . . .	One thousand four hundred ninety-four dollars, . . .	\$1,494 00
Hardwick, . . .	Eight hundred fifty-two dollars, . . .	852 00
Harvard, . . .	Seven hundred ninety-two dollars, . . .	792 00
Holden, . . .	Eight hundred thirty-four dollars, . . .	834 00
Hubbardston, . . .	Seven hundred eight dollars, . . .	708 00
Lancaster, . . .	Seven hundred eight dollars, . . .	708 00
Leicester, . . .	One thousand two hundred fifty-four dollars, . . .	1,254 00
Leominster, . . .	One thousand three hundred fifty-six dollars, . . .	1,356 00
Lunenburg, . . .	Six hundred sixty dollars, . . .	660 00
Mendon, . . .	Seven hundred two dollars, . . .	702 00
Milford, . . .	One thousand four hundred fifty-eight dollars, . . .	1,458 00
Millbury, . . .	One thousand ninety-eight dollars, . . .	1,098 00
New Braintree, . . .	Five hundred forty-six dollars, . . .	546 00
North Brookfield, . . .	Seven hundred thirty-eight dollars, . . .	738 00
Northborough, . . .	Six hundred seventy-two dollars, . . .	672 00
Northbridge, . . .	Seven hundred thirty-two dollars, . . .	732 00
Oakham, . . .	Four hundred fifty dollars, . . .	450 00
Oxford, . . .	One thousand thirty-eight dollars, . . .	1,038 00
Paxton, . . .	Three hundred thirty dollars, . . .	330 00
Peterham, . . .	Eight hundred twenty-two dollars, . . .	822 00
Phillipston, . . .	Three hundred ninety-six dollars, . . .	396 00
Princeton, . . .	Six hundred forty-eight dollars, . . .	648 00
Royalston, . . .	Seven hundred ninety-two dollars, . . .	792 00
Rutland, . . .	Five hundred fifty-two dollars, . . .	552 00
Shrewsbury, . . .	Eight hundred forty dollars, . . .	840 00
Southborough, . . .	Six hundred forty-two dollars, . . .	642 00
Southbridge, . . .	One thousand two hundred dollars, . . .	1,200 00
Spencer, . . .	Nine hundred twelve dollars, . . .	912 00
Sterling, . . .	Eight hundred forty dollars, . . .	840 00

## WORCESTER COUNTY—CONTINUED.

Sturbridge, . . .	Nine hundred dollars, . . . . .	\$900 00
Sutton, . . . .	One thousand fifty-six dollars, . . .	1,056 00
Templeton, . . .	Nine hundred forty-eight dollars, . .	948 00
Upton, . . . . .	Six hundred ninety dollars, . . . . .	690 00
Uxbridge, . . . .	One thousand one hundred eighty-eight dollars, . . . . .	1,188 00
Warren, . . . . .	Seven hundred thirty-two dollars, . .	732 00
Webster, . . . .	Eight hundred seventy-six dollars, . .	876 00
West Boylston, . .	Five hundred ninety-four dollars, . .	594 00
West Brookfield, .	Five hundred seventy dollars, . . . .	570 00
Westborough, . .	Eight hundred forty dollars, . . . . .	840 00
Westminster, . .	Eight hundred four dollars, . . . . .	804 00
Winchendon, . . .	One thousand fourteen dollars, . . . .	1,014 00
Worcester, . . . .	Eleven thousand two hundred eight dol- lars, . . . . .	11,208 00
		<hr/> \$59,262 00

## HAMPSHIRE COUNTY.

Amherst, . . . .	One thousand two hundred forty-two dollars, . . . . .	\$1,242 00
Belchertown, . . .	Nine hundred thirty dollars, . . . . .	930 00
Chesterfield, . . .	Four hundred fourteen dollars, . . . .	414 00
Cummington, . . .	Four hundred twenty dollars, . . . . .	420 00
Easthampton, . . .	Four hundred fifty-six dollars, . . . .	456 00
Enfield, . . . . .	Four hundred seventy-four dollars, . .	474 00
Goshen, . . . . .	One hundred ninety-eight dollars, . .	198 00
Granby, . . . . .	Four hundred twenty-six dollars, . . .	426 00
Greenwich, . . . .	Two hundred sixty-four dollars, . . . .	264 00
Hadley, . . . . .	Nine hundred forty-eight dollars, . . .	948 00
Hatfield, . . . .	Seven hundred fourteen dollars, . . . .	714 00

## HAMPSHIRE COUNTY—CONTINUED.

Middlefield, . .	Three hundred twenty-four dollars, . .	\$324 00
Northampton, .	Two thousand six hundred twenty-eight dollars, . . . .	2,628 00
Norwich, . . .	Two hundred seventy dollars, . . . .	270 00
Pelham, . . . .	Two hundred fifty-eight dollars, . . . .	258 00
Plainfield, . .	Three hundred twelve dollars, . . . .	312 00
Prescott, . . .	Two hundred seventy dollars, . . . .	270 00
South Hadley, .	Seven hundred fifty-six dollars, . . . .	756 00
Southampton, .	Four hundred twenty-six dollars, . . . .	426 00
Ware, . . . . .	One thousand two hundred forty-eight dollars, . . . .	1,248 00
Westhampton, .	Two hundred forty-six dollars, . . . .	246 00
Williamsburg, .	Six hundred ninety-six dollars, . . . .	696 00
Worthington, . .	Four hundred seventy-four dollars, . . . .	474 00
		<hr/> \$14,394 00

## HAMPDEN COUNTY.

Blandford, . . .	Five hundred seventy-six dollars, . . . .	\$576 00
Brimfield, . . .	Seven hundred eighty dollars, . . . .	708 00
Chester, . . . .	Four hundred ninety-two dollars, . . . .	492 00
Chicopee, . . . .	Three thousand six hundred six dollars, . . . .	3,606 00
Granville, . . .	Four hundred thirty-eight dollars, . . . .	438 00
Holland, . . . .	One hundred fifty-six dollars, . . . .	156 00
Holyoke, . . . .	One thousand nine hundred thirty-two dollars, . . . .	1,932 00
Longmeadow, . .	Eight hundred forty-six dollars, . . . .	846 00
Ludlow, . . . .	Four hundred ninety-two dollars, . . . .	492 00
Monson, . . . .	Nine hundred ninety dollars, . . . .	990 00
Montgomery, . .	One hundred seventy-four dollars, . . . .	174 00
Palmer, . . . .	One thousand three hundred thirty-two dollars, . . . .	1,332 00
Russell, . . . .	One hundred ninety-two dollars, . . . .	192 00

## HAMPDEN COUNTY—CONTINUED.

Southwick, . . .	Five hundred fifty-eight dollars, . . .	\$558 00
Springfield, . . .	Six thousand six hundred fifty-four dollars, . . .	6,654 00
Tolland, . . .	Two hundred twenty-two dollars, . . .	222 00
Wales, . . .	Two hundred forty dollars, . . .	240 00
West Springfield, . . .	One thousand six hundred eighty dollars, . . .	1,680 00
Westfield, . . .	One thousand six hundred ninety-eight dollars, . . .	1,698 00
Wilbraham, . . .	Nine hundred sixty dollars, . . .	960 00
		<b>\$23,946 00</b>

## FRANKLIN COUNTY.

Ashfield, . . .	Five hundred seventy-six dollars, . . .	\$576 00
Bernardston, . . .	Four hundred two dollars, . . .	402 00
Buckland, . . .	Two hundred eighty-two dollars, . . .	282 00
Charlemont, . . .	Four hundred eight dollars, . . .	408 00
Coleraine, . . .	Six hundred ninety-six dollars, . . .	696 00
Conway, . . .	Seven hundred thirty-eight dollars, . . .	738 00
Deerfield, . . .	One thousand eighty-six dollars, . . .	1,086 00
Erving, . . .	One hundred eighty dollars, . . .	180 00
Gill, . . .	Three hundred six dollars, . . .	306 00
Greenfield, . . .	One thousand one hundred forty dollars, . . .	1,140 00
Hawley, . . .	Three hundred six dollars, . . .	306 00
Heath, . . .	Two hundred eighty-eight dollars, . . .	288 00
Leverett, . . .	Three hundred six dollars, . . .	306 00
Leyden, . . .	Two hundred twenty-two dollars, . . .	222 00
Monroe, . . .	Seventy-two dollars, . . .	72 00
Montague, . . .	Five hundred four dollars, . . .	504 00
New Salem, . . .	Four hundred fifty-six dollars, . . .	4 6 00
Northfield, . . .	Seven hundred eighty dollars, . . .	780 00

## FRANKLIN COUNTY—CONTINUED.

Orange, . . .	Seven hundred thirty-eight dollars, . . .	\$738 00
Rowe, . . .	Two hundred forty dollars, . . .	240 00
Shelburne, . . .	Five hundred four dollars, . . .	504 00
Shutesbury, . . .	Two hundred eighty-two dollars, . . .	282 00
Sunderland, . . .	Three hundred forty-two dollars, . . .	342 00
Warwick, . . .	Four hundred eighty dollars, . . .	480 00
Wendell, . . .	Four hundred twenty dollars, . . .	420 00
Whately, . . .	Four hundred eighty dollars, . . .	480 00
		<hr/> \$12,234 00

## BERKSHIRE COUNTY.

Adams, . . .	One thousand nine hundred thirty-eight dollars, . . .	\$1,938 00
Alford, . . .	Two hundred thirty-four dollars, . . .	234 00
Becket, . . .	Three hundred seventy-eight dollars, . . .	378 00
Cheshire, . . .	Five hundred sixty-four dollars, . . .	564 00
Clarksburg, . . .	One hundred eight dollars, . . .	108 00
Dalton, . . .	Four hundred seventy-four dollars, . . .	474 00
Egremont, . . .	Four hundred eighty-six dollars, . . .	486 00
Florida, . . .	One hundred sixty-eight dollars, . . .	168 00
Great Barrington, . . .	One thousand three hundred eighty dollars, . . .	1,380 00
Hancock, . . .	Three hundred seventy-two dollars, . . .	372 00
Hinsdale, . . .	Four hundred forty-four dollars, . . .	444 00
Lanesborough, . . .	Five hundred forty-six dollars, . . .	546 00
Lee, . . .	One thousand ninety-two dollars, . . .	1,092 00
Lenox, . . .	Five hundred seventy dollars, . . .	570 00
Monterey, . . .	Two hundred fifty-two dollars, . . .	252 00
Mount Washington, . . .	One hundred eight dollars, . . .	108 00

## BERKSHIRE COUNTY—CONTINUED.

New Ashford, . . .	One hundred two dollars, . . .	\$102 00
New Marlborough, .	Five hundred eighty-two dollars, . .	582 00
Otis, . . .	Three hundred seventy-eight dollars, .	378 00
Peru, . . .	Two hundred sixteen dollars, . . .	216 00
Pittsfield, . . .	Two thousand seven hundred eighty-four dollars, . . .	2,784 00
Richmond, . . .	Three hundred ninety-six dollars, . .	396 00
Sandisfield, . . .	Five hundred thirty-four dollars, . .	534 00
Sheffield, . . .	One thousand one hundred seventy dollars, . . .	1,170 00
Savoy, . . .	Two hundred twenty-eight dollars, . .	228 00
Stockbridge, . . .	Seven hundred seventy-four dollars, .	774 00
Tyringham, . . .	Two hundred seventy dollars, . . .	270 00
Washington, . . .	Two hundred seventy dollars, . . .	270 00
West Stockbridge, .	Six hundred eighteen dollars, . . .	618 00
Williamstown, . .	One thousand thirty-two dollars, . . .	1,032 00
Windsor, . . .	Three hundred thirty-six dollars, . .	336 00
		<hr/> \$18,804 00

## NORFOLK COUNTY.

Bellingham, . . .	Five hundred fifty-two dollars, . . .	\$552 00
Braintree, . . .	One thousand one hundred forty-six dollars, . . .	1,146 00
Brookline, . . .	Four thousand nine hundred eighty-six dollars, . . .	4,986 00
Canton, . . .	One thousand three hundred ninety-eight dollars, . . .	1,398 00
Cohasset, . . .	Seven hundred eighty-six dollars, . . .	786 00
Dedham, . . .	Three thousand six dollars, . . .	3,006 00
Dorchester, . . .	Six thousand five hundred seventy dollars, . . .	6,570 00
Dover, . . .	Three hundred eighteen dollars, . . .	318 00
Foxborough, . . .	Seven hundred eight dollars, . . .	708 00
Franklin, . . .	Six hundred ninety-six dollars, . . .	696 00

## NORFOLK COUNTY—CONTINUED.

Medfield, . . .	Four hundred eighty dollars, . . .	\$480 00
Medway, . . .	Nine hundred ninety dollars, . . .	990 00
Milton, . . .	One thousand six hundred ninety-eight dollars, . . .	1,698 00
Needham, . . .	Eight hundred seventy dollars, . . .	870 00
Quincy, . . .	Two thousand two hundred forty-four dollars, . . .	2,244 00
Randolph, . . .	One thousand eight hundred seventy-two dollars, . . .	1,872 00
Roxbury, . . .	Thirteen thousand two hundred twenty-four dollars, . . .	13,224 00
Sharon, . . .	Five hundred eighty-two dollars, . . .	582 00
Stoughton, . . .	One thousand two hundred forty-eight dollars, . . .	1,248 00
Walpole, . . .	Eight hundred forty-six dollars, . . .	846 00
Weymouth, . . .	One thousand eight hundred seventy-eight dollars, . . .	1,878 00
Wrentham, . . .	One thousand two hundred dollars, . . .	1,200 00
		<b>\$47,298 00</b>

## BRISTOL COUNTY.

Attleborough, . . .	One thousand two hundred twenty-four dollars, . . .	\$1,224 00
Berkley, . . .	Three hundred dollars, . . .	300 00
Dartmouth, . . .	Two thousand three hundred ten dollars, . . .	2,310 00
Dighton, . . .	Five hundred seventy-six dollars, . . .	576 00
Easton, . . .	Eight hundred four dollars, . . .	804 00
Fairhaven, . . .	Three thousand one hundred sixty-eight dollars, . . .	3,168 00
Fall River, . . .	Six thousand two hundred thirty-four dollars, . . .	6,234 00
Freetown, . . .	Six hundred six dollars, . . .	606 00
Mansfield, . . .	Four hundred sixty-eight dollars, . . .	468 00
New Bedford, . . .	Thirteen thousand eight hundred ninety dollars, . . .	13,890 00
Norton, . . .	Seven hundred sixty-eight dollars, . . .	768 00
Pawtucket, . . .	One thousand seventy-four dollars, . . .	1,074 00
Raynham, . . .	Five hundred fifty-two dollars, . . .	552 00



## BRISTOL COUNTY—CONTINUED.

Rehoboth, . .	Seven hundred sixty-two dollars, . .	\$762 00
Seekonk, . .	Seven hundred sixty-two dollars, . .	762 00
Somerset, . .	Four hundred ninety-two dollars, . .	492 00
Swansey, . .	Five hundred seventy dollars, . .	570 00
Taunton, . .	Four thousand twenty-six dollars, . .	4,026 00
Westport, . .	One thousand five hundred dollars, . .	1,500 00
		<u>\$40,086 00</u>

## PLYMOUTH COUNTY.

Abington, . .	One thousand seven hundred thirty-four dollars, . .	\$1,734 00
Bridgewater, . .	One thousand two hundred ninety dollars, . .	1,290 00
Carver, . .	Three hundred ninety dollars, . .	390 00
Duxbury, . .	One thousand one hundred fifty-eight dollars, . .	1,158 00
East Bridgewater, . .	Nine hundred twelve dollars, . .	912 00
Halifax, . .	Two hundred eighty-eight dollars, . .	288 00
Hanover, . .	Six hundred dollars, . .	600 00
Hanson, . .	Four hundred twenty dollars, . .	420 00
Hingham, . .	One thousand seven hundred twenty-two dollars, . .	1,722 00
Hull, . .	One hundred twenty dollars, . .	120 00
Kingston, . .	Eight hundred eighty-two dollars, . .	882 00
Marshfield, . .	Seven hundred two dollars, . .	702 00
Middleborough, . .	One thousand eight hundred six dollars, . .	1,806 00
North Bridgewater, . .	One thousand two hundred forty-two dollars, . .	1,242 00
Pembroke, . .	Four hundred ninety-two dollars, . .	492 00
Plymouth, . .	Two thousand six hundred twenty-two dollars, . .	2,622 00
Plympton, . .	Three hundred sixty-six dollars, . .	366 00
Rochester, . .	One thousand three hundred twenty-six dollars, . .	1,326 00
Scituate, . .	Seven hundred fifty dollars, . .	750 00

## PLYMOUTH COUNTY—CONTINUED.

South Scituate, . .	Seven hundred ninety-two dollars, . .	\$792 00
Wareham, . . .	One thousand fifty dollars, . . .	1,050 00
West Bridgewater, .	Five hundred fifty-eight dollars, . .	558 00
		<u>\$21,222 00</u>

## BARNSTABLE COUNTY.

Barnstable, . . .	One thousand six hundred ninety-two dollars, . . .	\$1,692 00
Brewster, . . .	Three hundred ninety-six dollars, . . .	396 00
Chatham, . . .	Five hundred ninety-four dollars, . . .	594 00
Dennis, . . .	Nine hundred twenty-four dollars, . . .	924 00
Eastham, . . .	Two hundred twenty-eight dollars, . . .	228 00
Falmouth, . . .	One thousand twenty-six dollars, . . .	1,026 00
Harwich, . . .	Six hundred seventy-eight dollars, . . .	678 00
Orleans, . . .	Four hundred eight dollars, . . .	408 00
Provincetown, . .	One thousand one hundred sixteen dollars, . . .	1,116 00
Sandwich, . . .	One thousand four hundred seventy-six dollars, . . .	1,476 00
Truro, . . .	Four hundred seventy-four dollars, . . .	474 00
Wellfleet, . . .	Four hundred twenty-six dollars, . . .	426 00
Yarmouth, . . .	Eight hundred twenty-eight dollars, . . .	828 00
		<u>\$10,266 00</u>

## DUKES COUNTY.

Chilmark, . . .	Four hundred seventy-four dollars, . . .	\$474 00
Edgartown, . . .	Seven hundred thirty-eight dollars, . . .	738 00
Tisbury, . . .	Six hundred thirty dollars, . . .	630 00
		<u>\$1,842 00</u>

## NANTUCKET COUNTY.

Nantucket, . . .	Four thousand six hundred fifty dollars, . . . . .	\$4,650 00
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## RECAPITULATION.

Suffolk County, . .	Two hundred one thousand six hundred eighty-four dollars, . . . . .	\$201,684 00
Essex County, . .	Fifty-nine thousand forty dollars, . . . . .	59,040 00
Middlesex County, .	Eighty-five thousand two hundred fifty-four dollars, . . . . .	85,254 00
Worcester County, .	Fifty-nine thousand two hundred sixty-two dollars, . . . . .	59,262 00
Hampshire County, .	Fourteen thousand three hundred ninety-four dollars, . . . . .	14,394 00
Hampden County, . .	Twenty-three thousand nine hundred forty-six dollars, . . . . .	23,946 00
Franklin County, . .	Twelve thousand two hundred thirty-four dollars, . . . . .	12,234 00
Berkshire County, . .	Eighteen thousand eight hundred four dollars, . . . . .	18,804 00
Norfolk County, . .	Forty-seven thousand two hundred ninety-eight dollars, . . . . .	47,298 00
Bristol County, . .	Forty thousand eighty-six dollars, . . . . .	40,086 00
Plymouth County, . .	Twenty-one thousand two hundred twenty-two dollars, . . . . .	21,222 00
Barnstable County, .	Ten thousand two hundred sixty-six dollars, . . . . .	10,266 00
Dukes County, . . .	One thousand eight hundred forty-two dollars, . . . . .	1,842 00
Nantucket County, . .	Four thousand six hundred fifty dollars, . . . . .	4,650 00
		\$599,982 00

Treasurer shall  
issue warrants  
to selectmen, &c.

SECT. 2. The treasurer of this Commonwealth shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town, taxed as aforesaid, requiring them, respectively, to assess the sum so charged, according to the provisions of the seventh chapter of the Revised Statutes, and to add the amount of such tax to the amount of town and county taxes to be assessed by them, respectively, on each city or town.

When payable.

SECT. 3. The treasurer, in his said warrant, shall require the said selectmen or assessors, to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns to pay, to said treasurer of the Com-

monwealth, on or before the first day of December, one thousand eight hundred and fifty-six, the sums against said cities or towns, respectively, in this act contained; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, some time before the first day of October next.

Names of treasurers to be returned.

SECT. 4. If the amount due from any city or town as provided in this act, shall not have been paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per cent. per month during such delinquency, dating on and after the first day of December next.

One per cent. per month, additional, for delinquency.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

AN ACT concerning the Election of Representatives in Congress.

Chap. 224

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The third section of the sixth chapter of the Revised Statutes, is hereby so amended as that the elections therein provided to be held, shall be held on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and fifty-six, and thence afterwards, biennially, on the Tuesday next after the first Monday in November. [*Approved by the Governor, May 31, 1856.*]

Elections, when held.

AN ACT to protect the Fishery in Pleasant Bay.

Chap. 225

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The town of Orleans, at any legal town meeting called for the purpose, may make and enact such laws as they may, from time to time, deem expedient, to protect and preserve the fishery in Pleasant Bay, and all the inlets therefrom within the limits of said town of Orleans: *provided, always,* that no law, made as above, shall infringe upon the laws of the Commonwealth. [*Approved by the Governor, May 31, 1856.*]

Town may enact laws to protect fishery.

Proviso.

**Chap. 226** AN ACT to incorporate the Boston and New Orleans Steamship Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

**Corporators.**

SECT. 1. James M. Beebe, William Dwight, George B. Blake, William Thomas, Andrew T. Hall, Lewis W. Tappan, their associates and successors, are hereby made a corporation, by the name of the Boston and New Orleans Steamship Company, for the purpose of navigating the ocean by steam; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

**Name.****Purpose.****Privileges, restrictions, &c.****May build and navigate steamships, &c.**

SECT. 2. The said company are hereby authorized to build, purchase, hold and convey, one or more steamships, and may therewith navigate the ocean, between Boston and the southern ports of the United States, and Cuba, and any islands, possessions or provinces of European powers in the West Indies, and may enter into such contracts with other persons as they may deem expedient, to run steamships between any such port or ports, and any other port or ports whatsoever.

**Real estate, \$200,000.  
Personal property, \$1,000,000.**

SECT. 3. The said company may hold real estate not exceeding in value two hundred thousand dollars, and personal property to an amount not exceeding one million dollars.

**Number and amount of shares.**

SECT. 4. The number of shares into which the capital stock of said company shall be divided, and the amount of each share, shall be fixed by the by-laws; and the said company shall have power to assess, from time to time, upon such shares, such sums of money as may be deemed necessary to accomplish the objects of said company; but no share shall be assessed for a greater sum or sums in the whole, than the amount of such shares, so determined and fixed as aforesaid.

**Duration.****Act void unless, &c.**

SECT. 5. The said corporation shall continue for the term of thirty years; but if the said corporation shall not, within two years from the passing of this act, have been organized and have laid and collected an assessment or assessments to the amount of ten per cent. upon the capital stock, and shall not, within three years from the passage of this act, have built and equipped at least two steamships for the purposes of said company, and shall not use the same for the purposes in this act expressed, then this act shall become null and void.

**No shares issued under par.**

SECT. 6. No shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares first issued.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

AN ACT to authorize the Selectmen of Eastham to build a Bridge across Boat-Meadow River. Chap. 227

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The selectmen of the town of Eastham, in the county of Barnstable, are hereby authorized and empowered to construct a solid earth bridge across the stream known as Boat-Meadow River, in said town, where now exists a wooden bridge; said selectmen shall, in all respects, proceed as is now provided by law for laying out and constructing highways. May construct solid earth bridge.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

AN ACT to incorporate the Ladies' Howard Society, of Nantucket. Chap. 228

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Mary M. Watson, Mary P. Hussey, Clara G. Allen, their associates and successors, are hereby made a corporation by the name of the Ladies' Howard Society of Nantucket, for the purpose of taking, holding, investing and distributing such funds as they now have, or may hereafter be given them for the charitable objects of their association; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Corporators.  
Name.  
Purpose.  
Privileges, restrictions, &c.

SECT. 2. Said corporation shall have power to establish such rules and regulations for the management of their association, as a majority of the members may, from time to time, determine to be expedient and proper. Rules and regulations

SECT. 3. Said corporation shall be authorized to hold real and personal estate to an amount not exceeding twenty-five thousand dollars. Real and personal estate, \$25,000.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

**Chap. 229** AN ACT in addition to an Act concerning the Vermont and Massachusetts Railroad Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Terms and conditions of mortgage, &c.

SECT. 1. That the mortgage mentioned in the act concerning the Vermont and Massachusetts Railroad Company, approved by the governor on the twenty-first day of March, in the year one thousand eight hundred and fifty-six, and thereby authorized to be given by said Vermont and Massachusetts Railroad Company, to secure their bonds, may include and convey to the trustees, to be named in said mortgage, all the franchise, rights and privileges which are now held and enjoyed by said corporation, in this Commonwealth ; and said mortgage may be on such terms and conditions, and with such powers to the mortgagees, of operating or selling the said road and property mortgaged, as to the stockholders and directors may seem expedient.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

**Chap. 230** AN ACT authorizing the County Commissioners of Essex County to lay out a Highway and to cause a Bridge to be built across Bass River, in the town of Beverly.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Bridge across Bass River, in Beverly.

The county commissioners for the county of Essex are hereby empowered, if in their opinion the common convenience and necessity require the same, to lay out a highway, and cause to be built, a bridge across Bass River, in the town of Beverly, from some point on the westerly shore, striking between the houses of John Porter and Benjamin Smith, to some point on the easterly shore, striking between Federal Street and Railroad Avenue ; and said bridge shall be furnished with a draw, suitable, in the opinion of said commissioners, for the passage of vessels usually navigating said river above the place where said bridge shall be built ; and said commissioners, in carrying into effect the provisions of this act, shall conform to the existing laws relating to laying out highways : *provided*, said bridge can be built without expense to the county of Essex. [*Approved by the Governor, May 31, 1856.*]

Proviso.

AN ACT to incorporate the Phillips Wharf Company, in Salem.

Chap. 231

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Stephen C. Phillips, J. Willard Peele, James Corporators. W. Cheever, their associates and successors, are hereby made a corporation, by the name of the Phillips Wharf Name. Company, with power to purchase and hold, in fee simple or Power. otherwise, any part or the whole of the estate extending from Derby Street in Salem, to Salem Harbor, and now owned by said Stephen C. Phillips, with all the privileges and appurtenances to the same belonging, and all rights of every kind now vested in said Stephen C. Phillips as owner of such wharf. And said corporation may construct docks May construct wharves, &c. and wharves ; lay vessels within and at the side thereof, and receive dockage and wharfage therefor ; erect buildings, lay out streets and passage ways, and improve and manage said property for mercantile purposes, in such manner as to them shall seem expedient, and may sell and convey the same or any part thereof. Said corporation may also purchase such other real estate as may be expedient for the beneficial enjoyment of their property, and may contract with railroad corporations relative to the transportation of passengers and merchandise : *provided*, that nothing herein Provide. contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises which is not now authorized by law.

SECT. 2. Said corporation may, at any legal meeting, agree upon the number of shares, not exceeding three thousand, into which their stock shall be divided, which shares shall be transferable in a book, to be kept by the clerk of the corporation for that purpose ; may, from time to time, assess upon the stockholders such sums of money, not exceeding in the whole one hundred dollars on each share, as may be necessary for the purchase, improvement and management of their estate ; and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of such stockholder as may be sufficient therefor to be sold, in such manner as the said corporation by their by-laws may determine. Shares not to exceed 3,000.

SECT. 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the forty-fourth chapter of the Revised Statutes. Assessment of shares. Privileges, restrictions, &c.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]



**Chap. 232**

AN ACT in addition to an Act relative to Superintendents of Schools.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Appointment of  
superintendent.

SECT. 1. The first section of the three hundred and fourteenth chapter of the acts of the year eighteen hundred and fifty-four, shall, as applied to cities, be construed to mean that the several cities, by an ordinance of the city government, may require the school committee to appoint a superintendent of public schools, annually.

No compensation  
to school commit-  
tees, unless, &c.

SECT. 2. In any city which has heretofore passed an ordinance requiring the school committee to appoint a superintendent of public schools, annually, the school committee in such city shall hereafter receive no compensation; and, in any city which may hereafter pass such an ordinance, the school committee in such city shall receive no compensation after the passage of such ordinance, unless in either case the city shall otherwise expressly provide.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

**Chap. 233**

AN ACT authorizing the County Commissioners of the County of Bristol to lay out a Highway, and construct a Bridge over Skunk Creek in the Town of Somerset.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Bridge across  
Skunk Creek,  
in Somerset.

SECT. 1. The county commissioners of the county of Bristol, are hereby authorized and empowered to lay out a highway and construct a bridge over Skunk Creek, so called, on Taunton River, in the town of Somerset, in said county, at such place as the public convenience and necessity require: *provided*, that in laying out said highway and constructing said bridge, said county commissioners shall, in all respects, proceed according to the laws regulating the laying out and constructing of public highways.

Constructed in  
three years.

SECT. 2. Said highway shall be laid out, and said bridge constructed and open for public travel, within three years from the passage of this act: *provided*, that the county commissioners of the county of Bristol shall deem that public necessity requires the construction of said highway and bridge.

Provide.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

**AN ACT determining the Boundary Line between Danvers and South Danvers. Chap. 234**

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The dividing line between Danvers and South Danvers, determined by the commissioners appointed by his excellency the governor, under the first section of an act entitled, "An act to incorporate the town of South Danvers," passed on the eighteenth day of May, in the year eighteen hundred and fifty-five, and reported to the governor by said commissioners, is declared to be, and the same shall constitute, the dividing line between said towns of Danvers and South Danvers. Dividing line established.

SECT. 2. This act shall take effect on and after its passage. [*Approved by the Governor, May 31, 1856.*]

**AN ACT making provision for the Unfunded Debt of the Commonwealth. Chap. 235**

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The treasurer of the Commonwealth is hereby authorized and directed to issue scrip or certificates of debt, in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding three hundred thousand dollars, bearing an interest of six per cent. per annum, payable semi-annually, on the first days of June and December, with interest warrants attached thereto, signed by the treasurer ; which scrip, or certificates of debt, shall be redeemable as follows, viz. : one-third part thereof on the first day of June, eighteen hundred and sixty-two, one-third part thereof on the first day of June, eighteen hundred and sixty-four, and one-third part thereof on the first day of June, eighteen hundred and sixty-six ; and shall be countersigned by the governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth, for the redemption thereof ; and the treasurer may, under the direction of the governor and council, dispose of any portion of said scrip, at any price not less than its par value. Treasurer authorized to issue \$300,000 of scrip.

SECT. 2. The funds arising from the disposal of the said scrip, shall be applied to the payment of the unfunded debt now existing against the Commonwealth, and to the supply of any deficiency which may arise in the current income of the present year, to meet the current expenses of the same. Funds, how to be applied.

SECT. 3. The first proceeds of the sale or disposal of the Proceeds of sale of

**Back Bay lands, how applied.** interest of the Commonwealth in the lands and flats of the Back Bay, so called, to the amount of three hundred thousand dollars, shall be invested and held by the treasurer, under the direction of the governor and council, and applied to the redemption of the scrip issued by virtue of the provisions of this act.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

### Chap. 236

AN ACT to incorporate the Massachusetts School of Agriculture.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

- Corporators.** SECT. 1. Marshall P. Wilder, of Dorchester, Benjamin V. French, of Braintree, George W. Lyman, of Waltham, Seth Sprague, of Duxbury, Moses Newell, of Newbury, Richard S. Fay, of Lynn, Samuel Hooper, of Boston, and their successors and associates, are hereby constituted a corporation by the name of the Trustees of the Massachusetts School of Agriculture, for the purpose of holding, maintaining and conducting, an experimental farm and school thereupon, with all needful buildings, library, apparatus and appurtenances, for the promotion of agricultural and horticultural art within this Commonwealth; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.
- Name.**
- Purpose.**
- Privileges, restrictions, &c.**
- Real and personal estate, \$500,000.** SECT. 2. The said corporation may hold, by bequest, gift, purchase or otherwise, real and personal estate not exceeding the sum of five hundred thousand dollars.
- Life membership.** SECT. 3. Any person may become a corporator for life in said institution, upon the payment of one hundred dollars to the treasurer thereof, who shall, upon such payment, issue to him a certificate to that effect.
- Vacancy of trustee, how filled.** SECT. 4. Upon the death or resignation of any trustee in said corporation, or upon his incapacity to perform the duties thereof, by reason of mental or other infirmity, or by reason of prolonged absence from the Commonwealth, the surviving or remaining members thereof, together with the corporators for the time being, shall have power to choose a successor at any meeting duly notified for that purpose, and five members shall constitute a quorum, unless the number shall be reduced by death or otherwise, below that number, in which event three shall constitute a quorum for that purpose.

SECT. 5. In the event of a dissolution of said corporation, Disposal of property in case of dissolution. by the voluntary act of said trustees and corporators, at any time, the real and personal property belonging to the corporation shall devolve upon, and belong to, the Commonwealth, to be held by the same, and to be disposed of as it may see fit, in the advancement of agricultural education. [*Approved by the Governor, May 31, 1856.*]

AN ACT authorizing the Troy and Greenfield Railroad Company to change location. Chap. 237

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Troy and Greenfield Railroad Company Location changed are hereby authorized to change their location on the main route, at such places as will, in the opinion of the chief engineer, improve the line of the road, shorten the same, and diminish the cost of construction : *provided, the termini* Proviso. of said road shall not be changed.

SECT. 2. Such changes, as are made under the provisions of Location filed. the first section of this act, shall be filed in the clerk's office, for the counties of Franklin and Berkshire, within one year from the time they are made.

SECT. 3. All owners of land, over which this railroad Damages assessed within three years. has been located, shall have the right to claim and have their damages assessed, any time within three years from the passage of this act. [*Approved by the Governor, May 31, 1856.*]

AN ACT confirming the Union of the Charles River Railroad Company and the New York and Boston Railroad Company, and extending the time for locating and constructing the same. Chap. 238

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The union of the several companies forming the New York and Boston Railroad Company, in conformity Union of rail-roads confirmed. with the provisions of the one hundred and fifth chapter of the acts of eighteen hundred and fifty-five, is hereby confirmed, and the several acts heretofore passed, regarding the Charles River Branch and the Charles River Railroad, are confirmed to said united New York and Boston Railroad Company.

SECT. 2. The times within which said company are Time for locating extended one year. required to locate and construct their roads, are hereby extended one year.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

### Chap. 239

AN ACT in relation to the Assessment and Collection of Taxes.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Taxes to be a lien on mortgaged real estate, &c.

SECT. 1. Taxes assessed on real estate hereafter mortgaged, shall, in all cases, constitute a lien thereon for two years after they are committed to the collector; and said taxes, with the incidental costs and expenses, may be levied by sale in the same manner, and with the same effect, as is now by law provided in cases of real estate not mortgaged: *provided, however*, that before such sale, any mortgagee may have the right to pay the said taxes and necessary charges and expenses, and upon such payment shall have a lien therefor, which may be enforced as above named.

Proviso.

Rights of mortgagee if tax is not paid by mortgagor.

SECT. 2. Whenever the owner of real estate subject to mortgage, shall, for three months after demand of payment, refuse or neglect to pay the taxes legally assessed upon the same, the collector may demand the taxes due thereon, of any owner or holder of any mortgage thereon; and if said taxes shall be paid thereupon by him, the same, with ten per cent. interest and all necessary intervening charges, shall constitute a lien upon such real estate, which lien may be enforced as provided in the first section of this act: and, in cases where by the conditions of the mortgage the mortgagor is to pay the taxes, the said mortgage shall not be redeemed without the consent of the holder or owner thereof, in writing, unless and until payment is made of the sum for which said lien shall exist. In all such cases of payment of taxes by the owner or holder of a mortgage, the collector shall, if so required, deliver to the person so paying a receipt therefor, duly acknowledged by him, which, if recorded in the registry of deeds for the county where the real estate is situated, within three days thereafter, shall be notice to all persons of such lien.

Liability of mortgagee on taking possession, &c.

SECT. 3. Any mortgagee, upon taking possession of any real estate by force of his mortgage, shall be liable to pay all taxes then due, and the costs and expenses of any sale that shall have taken place; and when any such taxes, costs and expenses shall be so paid by him,—in cases where by the conditions of the mortgage, the mortgagor is to pay the taxes,—there shall be a lien therefor to said mortgagee, with ten per cent. interest thereon, which lien may be enforced

as named in the first section of this act; a receipt for such taxes may be required by the collector, acknowledged and recorded, as named in the second section of this act, and with like effect.

SECT. 4. In all cases of sale of real estate for the payment of taxes assessed thereon, the supreme judicial court shall have equity powers: *provided*, relief be sought within five years from such sale. S. J. Court to have equity powers.

SECT. 5. No sale of real estate for taxes, shall affect the rights of any person not taxable therefor, unless a written demand is first made upon said person, by the collector, for the payment of said taxes. Sale not to affect the rights, &c.

SECT. 6. Chapter two hundred and thirteen of the statutes of the year eighteen hundred and forty-nine, and chapter two hundred and eighteen of the statutes of the year eighteen hundred and fifty, are hereby repealed. Acts repealed. [Approved by the Governor, May 31, 1856.]

AN ACT to incorporate the Children's Home and Home for Aged Females, in Roxbury. Chap. 240

*Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. James Ritchie, John Rogers, Charles K. Dilla-way and James Waldock, their associates and successors, are hereby made a corporation by the name of the Children's Home and Home for aged Females, in Roxbury, for the purpose of providing for destitute children and aged females, and affording a temporary home for the same; with all the powers, and subject to all the duties and liabilities set forth in the forty-fourth chapter of the Revised Statutes. Corporators. Name. Purpose. Privileges, restrictions, &c.

SECT. 2. Said corporation may take and hold real estate, not exceeding the value of twenty thousand dollars, and personal estate not exceeding the value of thirty thousand dollars, for the aforesaid charitable purposes. Real and personal estate not to exceed \$50,000.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, May 31, 1856.]

AN ACT in aid of the Lebanon Springs Aqueduct Company.

Chap. 241

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. The Lebanon Springs Aqueduct Company, (a corporation created by act of the legislature of the State of New York,) is hereby authorized and empowered to improve May improve certain water, &c.

**Proviso.** the streams and springs of water on the west side of Hancock Mountain, lying in the town of Hancock, in this Commonwealth, for the purpose of supplying the inhabitants of the village of Lebanon Springs, in the town of New Lebanon and State of New York, with good and wholesome water: *provided*, that nothing in this section shall authorize said company to divert water from any spring or pond on the summit of said mountain, which supplies any stream on the east side of said mountain, or divert any water from any stream, brook or pond, on the east side of said mountain.

SECT. 2. Said aqueduct company is hereby authorized to convey the water from said streams and springs in underground aqueducts, to the State line, near said village of Lebanon Springs.

**Damages, how assessed and paid.** SECT. 3. All damages which may be sustained by reason of the taking by said corporation of any of the ponds or brooks aforementioned, or of the water thereof, or the water-rights connected therewith, or of diverting any portion of said water from its natural channel into other channels, or of erecting and maintaining any dam or reservoir, or digging up any land, street, road or highway, and entering upon the same for laying, repairing and maintaining pipes, conduits, hydrants and other apparatus necessary thereto, shall be paid by the said corporation to the individual or corporation injured, which damages shall be assessed in the same manner as is provided in the twenty-fourth chapter of the Revised Statutes with regard to highways. The said aqueduct company shall also have power to lay down and repair any under-ground aqueduct constructed under the authority conferred by this act, along any highway or street in the town of Hancock, leading to Lebanon Springs: *provided*, that in so doing they shall not impede or obstruct the travel on the same.

**Power to lay aqueduct.**

**Proviso.**

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, May 31, 1856.*]

**Chap. 242** AN ACT to repeal "An Act to incorporate the Tremont Gas-Light Company."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

**Act repealed.** An act to incorporate the Tremont Gas-Light Company, passed on the fourteenth day of February, in the year one thousand eight hundred and forty-six, is hereby repealed. [*Approved by the Governor, May 31, 1856.*]

**AN ACT** extending the time for the Construction of the Agricultural Branch Railroad. *Chap. 243*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The time allowed to the Agricultural Branch Railroad Company, to construct its railroad, is hereby extended one year. *[Approved by the Governor, May 31, 1856.]* Time for construction extended one year.

**AN ACT** to enable the Proprietors of Certain Lands in Northampton to protect the same against Inundation. *Chap. 244*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Whenever five or more of the several proprietors of the lands described in the following section shall desire the construction of such dikes, mounds or other works or erections, as shall better protect said lands against inundation and overflow, and enable the said proprietors the more securely to improve the same, they may form themselves into a corporation in the manner hereinafter mentioned. Proprietors of lands may form corporation.

SECT. 2. The lands to which this act shall extend, are situated in the town of Northampton, in the county of Hampshire, in the vicinity of Maple and Fruit Streets, in said Northampton, and are located within the following limits, to wit: Beginning at or near the southerly end of South Street Bridge, and thence running along the right bank of Mill River to the embankment made by the Connecticut River Railroad; thence along said embankment to a point about fifteen hundred and thirty feet below the Connecticut River Railroad Bridge over Mill River; thence across the meadows from said embankment to Fort Hill, at a point about six hundred and sixty feet from said embankment; thence along the base of Fort Hill to the place of beginning. Lands described.

SECT. 3. Upon the application of any five or more of such proprietors, as aforesaid, to any justice of the peace, he shall issue his warrant to one of the applicants, directing him to call a meeting of all the proprietors of said lands, in the manner prescribed by the second and third sections of the forty-third chapter of the Revised Statutes. Justice may call a meeting.

SECT. 4. The said proprietors, when assembled, pursuant to such notice, may proceed to organize themselves as a corporation: *provided*, a majority of all the proprietors, whether present or absent, shall agree and vote so to do; and they may thereupon choose a clerk, treasurer, three or more Proprietors may organize. Proviso.



Clerk and assessors sworn.

assessors, and a collector, all of whom shall continue in office until removed by said proprietors, or until others are chosen in their stead; and the clerk and assessors shall be sworn to the faithful discharge of their duty; and said proprietors may also choose such committees and other officers, as they shall think necessary for the management of their affairs, and may agree upon and direct the manner of calling future meetings.

Proprietors may raise money, &c.

SECT. 5. In furtherance of the objects of this act, the said proprietors are authorized to construct and maintain, anywhere within the limits defined in the second section, any dike, mound, or other work or erection, which shall be deemed by them suitable and sufficient; and they may, from time to time, raise money for that purpose, and for defraying their common charges, and for managing their affairs as a corporation.

Assessments, &c.

SECT. 6. All moneys duly voted to be raised, pursuant to the last section, shall be assessed by the assessors of said corporation upon the several proprietors, having regard to the quantity, quality and situation of each person's part of the lands, to the extent of his legal or equitable interest in the same, and to the benefit that he will derive from the works constructed; and any proprietor, who shall think himself over-rated in such assessment, may apply for relief to the county commissioners for Hampshire county, who shall hear and determine the case, and whose judgment thereon shall be final.

Assessments, &c., how collected.

SECT. 7. The clerk of the proprietors shall issue his warrant to the collector, requiring him to collect all sums assessed by said assessors, as well as all sums adjudged by said county commissioners to be paid by any person applying to them for relief, (their said judgment having been first certified to the said clerk,) and to pay over the same to the treasurer, or other proper officer, according to the order of the proprietors; and the collector shall collect the said sums in the same manner as collectors of towns are authorized to collect town taxes.

May sue and be sued, &c.

SECT. 8. The said proprietors, when organized, as aforesaid, may adopt any suitable corporate name, and may sue and be sued as a corporation, for any matter concerning their common property, and may appear, prosecute and defend, by their agent or attorney, duly authorized.

Amount of damages in certain cases.

SECT. 9. If, in the construction of any dike, mound, or other work or erection contemplated by this act, it shall be necessary to locate, abut, or build the same upon the lands of any person with whom said proprietors are unable to

adjust the terms of compensation therefor, it shall nevertheless be lawful for the said proprietors to proceed to locate, abut and build the same on said lands; and the dissenting party may thereupon apply to the county commissioners for Hampshire county, who shall determine the amount of such compensation; and either party, if dissatisfied with such determination,\* may have the same assessed by a jury to be summoned, and all proceedings before them conducted, and their verdict returned and enforced, in the manner provided in the twenty-fourth chapter of the Revised Statutes, for the relief of parties aggrieved by the assessment of damages for lands taken for highways. [Approved by the Governor, June 3, 1856.]

Either party may appeal.

AN ACT for the better protection of the Public at Railroad Crossings.

Chap. 245

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

If the mayor and aldermen of any city, or the selectmen of any town, wherein any turnpike, highway, street or town-way, which is crossed by any railroad upon the same grade, is situated, shall be of opinion, in any particular case, that the safety of the public would be more effectually secured by the stationing of a flag-man, than by the erection of a gate at such railroad crossing, as provided for by the eightieth section of the thirty-ninth chapter of the Revised Statutes, the said mayor and aldermen, or the said selectmen, may, in writing, request the corporation to which said railroad belongs to station a flag-man at such crossing, who shall display a flag whenever any locomotive engine or train of cars passes at such crossing; and if said corporation shall refuse or neglect so to do, the said mayor and aldermen, or selectmen, may apply to the county commissioners to decide upon the reasonableness of such request; and if said commissioners, after due notice, and hearing the parties, shall decide that the stationing of such flag-man is necessary for the security of the public, the said railroad corporation shall comply with said decision, and shall pay the costs of the application; and if the said commissioners shall be of opinion that the stationing of such flag-man is not required as aforesaid, the said mayor and aldermen or selectmen, shall be liable to pay all the costs of their application. [Approved by the Governor, June 3, 1856.]

Public safety at railroad crossings.

County commissioners may decide. Costs, by whom paid.

**Chap. 246** AN ACT to secure Uniformity of Fees in the Courts of this Commonwealth.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

**Fees established.** The charge for blank writs, the entry fee of the clerk, and the term fee of the prevailing party, shall hereafter be the same in the supreme judicial court and the court of common pleas, as they now are in the superior court for the county of Suffolk. [Approved by the Governor, June 3, 1856.]

**Chap. 247** AN ACT establishing Boards of Trustees for the State Lunatic Hospitals, and in addition to the Acts concerning Lunatic Hospitals.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

**Board of trustees.**

SECT. 1. The government of each of the State Lunatic Hospitals at Worcester, Taunton and Northampton, shall be vested in a board of five trustees, to be appointed and commissioned by the governor, with the advice and consent of the council. When one year shall have expired after the first appointment of a board under the provisions of this act, one trustee shall be appointed and commissioned annually; and for this purpose the place of the first named trustee in the board shall thereafter be annually vacated, and the name of the trustee appointed to fill the vacancy shall be placed at the bottom of the list.

**Visiting hospitals.**

SECT. 2. There shall be a thorough visitation of the several hospitals, at least once a month, by two of the trustees of their respective institutions, a quarterly visitation by a majority of the board, and a semi-annual visitation by the whole board.

**Law to apply to hospital at Northampton.**

SECT. 3. All the provisions of chapter forty-eight of the Revised Statutes, for the government of the State Lunatic Hospital at Worcester, and of subsequent acts relating to lunatics, except as herein provided, so far as the same can be made applicable, are hereby extended and made applicable to the management of the hospital for the insane established at Northampton.

**Powers of courts.**

SECT. 4. The justices of the supreme judicial court, or of the court of common pleas, at any term held within and for the county of Hampshire, shall have the same powers with reference to the hospital at Northampton, that are now given to them at any term held within and for the county of Worcester with reference to the hospital at Worcester.

SECT. 5. The trustees to be appointed under this act, for

the hospital for the insane established at Northampton, shall, when said hospital is completed and ready to receive patients, give notice thereof to his excellency the governor, who shall thereupon direct the removal from the hospitals at Worcester and Taunton, of such number of their inmates as he may deem proper; and at any time hereafter the governor shall cause to be removed from either hospital to another, such inmates as circumstances or the necessities of the case may, in his judgment, require.

Governor shall direct removal of inmates, &c.

SECT. 6. All acts and parts of acts, inconsistent with the provisions of this act, are hereby repealed.

Inconsistent acts repealed.

SECT. 7. This act shall take effect from and after its passage. [*Approved by the Governor, June 3, 1856.*]

AN ACT in addition to the several Acts for the protection of the Fisheries in Ipswich River. Chap. 248

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. When any person is found violating the provisions of any law for the protection of the fisheries in Ipswich River, it shall be lawful for any constable of the towns mentioned in said acts, to seize and detain any boat, vessel, or nets, used by such persons as are found violating said laws for the protection of fisheries in Ipswich River, and hold such boat, vessel or nets, until the lowest fine named in those acts shall be paid, or good and sufficient bond, with surety, shall be given, to abide the judgment of the court in that case.

Constables may seize boats, &c., for unlawful fishing.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, June 3, 1856.*]

AN ACT in relation to the Salary of the District-Attorney of the Middle District. Chap. 249

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The annual salary of the district-attorney for the Middle District, shall hereafter be one thousand dollars, to be paid to him out of the treasury of the State, in quarterly payments, and in that proportion for any part of a quarter.

Salary established.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, June 3, 1856.*]

**Chap. 250** AN ACT in addition to an Act to incorporate the Williston Seminary.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May hold \$30,000  
additional real  
and personal es-  
tate.

Income applied.

SECT. 1. The Williston Seminary is hereby authorized to hold real and personal estate, of the value of thirty thousand dollars, in addition to the amount which it is now authorized to hold, and the income of the same shall be applied to the same purposes as are specified in the act of incorporation of said seminary.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, June 3, 1856.]

**Chap. 251** AN ACT to incorporate the Massachusetts Homœopathic Medical Society.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Privileges, re-  
strictions, &c.

Real and personal  
estate, \$50,000.

Members not en-  
rolled in militia.

Admission of  
members.

Proviso.

SECT. 1. Samuel Gregg, William Wesselhoeft, Luther Clark, George Russell, Milton Fuller, John A. Tarbell, David Thayer, their associates and successors, physicians, be, and they hereby are, made a corporation by the name of the Massachusetts Homœopathic Medical Society; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real and personal estate to the amount of fifty thousand dollars.

SECT. 3. The members of said society shall not be liable to be mustered or enrolled in the militia of this Commonwealth.

SECT. 4. The members of said society, or such of their officers or members as they shall appoint, shall have full power and authority to examine all candidates for membership, concerning the practice of specific medicine and surgery: *provided*, said candidates shall sustain a good moral character, and shall present letters, testimonial of their qualifications, from some legally authorized medical institution; and if, upon such examination, the said candidates shall be found qualified for membership, they shall receive the approbation of the society.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, June 3, 1856.]

## AN ACT concerning Insurance Companies.

## Chap. 252

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

## GENERAL SECTIONS.

SECT. 1. All insurance companies that have been, or may hereafter be, incorporated in this Commonwealth, may exercise the powers, and shall be subject to the duties and liabilities provided in this act, and in the forty-fourth chapter of the Revised Statutes, so far as may be consistent with the provisions of their respective charters.

Powers and duties of insurance companies.

SECT. 2. The first meeting of any insurance company, shall be called by a notice, signed by one or more persons named in the act of incorporation, setting forth the time, place, and purposes of the meeting; and such notice shall, seven days at least before the meeting, be delivered to each member, or published in some newspaper of the county in which the company may be established, or if there be no newspaper in the county, then in some newspaper in an adjoining county.

First meetings, how called.

SECT. 3. All companies shall give notice in writing, to the secretary of the Commonwealth, of the acceptance of their charter, and organization under the same, within one year from the date thereof, or the same shall be void.

Notice to secretary of Commonwealth.

SECT. 4. No company shall deal or trade in buying or selling goods, wares, merchandise or other like property, excepting such articles as may have been insured by such company, and losses are claimed thereon by the insured.

Not to deal in goods, &c.

SECT. 5. It shall not be lawful for any insurance company, incorporated by this Commonwealth, to do business under any other name, style, designation or title, than is expressed in its charter; and every company doing business in this Commonwealth, shall conduct the same in the proper and corporate name of said company, and not by various and different names; and the policies and contracts of insurance issued by any company shall be headed or entitled only by the corporate name or title of said company; and all insurance companies that have been, or that hereafter may be, incorporated in this Commonwealth, shall have their office in the town or city specified in said charter; and in case such companies establish agencies in other towns or cities, all signs, cards, pamphlets and advertisements, exhibited or issued by them, shall specify the town or city where the company they represent is located.

Business to be done under corporate name only.

SECT. 6. All mortgages on real estate, held by any insur-

Lands mortgaged, &c., may be sold on execution.

ance company, shall be liable to be attached, taken and sold on execution, in the manner provided in the fifty-second, fifty-third and fifty-fourth sections of the thirty-sixth chapter of the Revised Statutes, in respect to mortgages held by banks. And the secretary shall do the duties therein required of cashiers and clerks.

Liable to taxation.

Directors to furnish sworn statement.

SECT. 7. Every insurance company, chartered in this Commonwealth, shall be liable to be taxed by any general law taxing similar insurance companies; and the directors shall, when required, furnish to the legislature, or to a committee thereof, or to the insurance commissioners, a statement of their affairs, and submit to an examination on oath, concerning the same; every such statement to be first signed by the president and secretary, and under oath declared by them to be correct, according to their best knowledge and belief.

Annual returns made to commissioners.

SECT. 8. Every insurance company doing business in this Commonwealth shall, before the fifteenth day of November, annually, transmit to the insurance commissioners of this Commonwealth, a statement of its affairs, on the first day of said month, in the form appended to this act, adapted to the business done by such companies respectively; said statement to be signed and sworn to by the president and secretary. And the insurance commissioners shall, annually, in the month of September, furnish to the insurance companies in this Commonwealth, and to the agents of foreign insurance companies, doing business in this Commonwealth, two or more printed copies of the form of return to be made by them. Insurance companies, chartered beyond the limits of the United States, and doing business in this Commonwealth, shall make return of their standing on the first day of June, in each year, agreeably to the form required of companies doing a similar business in this Commonwealth; the said returns to be made to the insurance commissioners on or before the fifteenth day of November, annually; said returns to be verified and sworn to, before some consul or vice-consul of the United States, by two or more of the principal officers of such insurance company; and the insurance commissioners shall furnish to the agents of companies chartered beyond the limits of the United States, two or more printed copies of the form of return to be made by them, whenever applied to by the agents of any such companies.

Commissioners to furnish form of returns.

Penalty for neglecting to make returns.

Every insurance company doing business in this Commonwealth, neglecting to make the returns as required under this act, shall forfeit one hundred dollars for each and every day's neglect, and every company that shall wilfully make

false statements shall be liable to a fine of not less than five hundred dollars, nor more than five thousand dollars, to be recovered in the name of the Commonwealth; and all insurance companies now incorporated in this Commonwealth, and all foreign companies, doing business therein, shall, in their next return after the passage of this act, conform to the provisions thereof, and the returns made to the insurance commissioners in November next, shall conform to the required table. The insurance commissioners, in connection with their annual report, shall prepare an abstract of all the returns made to them by the companies chartered by, or doing business in, this Commonwealth, and the agents' statements, or returns, and cause the same to be printed, and furnished to the legislature in the month of January, annually. All fines and forfeitures collected under this law, shall be paid into the treasury of the Commonwealth.

Commissioners to  
prepare abstract.

SECT. 9. All insurance companies incorporated by, and doing business under the laws of this Commonwealth, may, at any annual or special meeting thereof, adopt any rules for conducting their business, which shall not be repugnant to the provisions of their respective charters, or to the laws of the Commonwealth: *provided*, that it shall not be lawful for any insurance company, incorporated in this Commonwealth, by any condition, stipulation or restriction, in the policy or by-laws, to designate the county in which any suit at law or in equity shall be brought against said company, or limit the time of commencing such suit to a less period than two years from the time the right of said suit or action shall accrue: *provided, also*, that all matters proposed to be acted upon at any meeting, shall be specified in the call for the same. No life insurance company shall issue policies insuring fire or marine risks. The secretary and treasurer of such insurance companies shall give bond for the faithful discharge of their respective duties, in such sum as may be required by the directors.

Companies may  
adopt rules, &c.

Proviso.

Life companies  
not to take fire  
or marine risks.

Treasurer and  
secretary to  
give bond.

SECT. 10. The insurance commissioners, if, in their opinion the same be expedient, are hereby authorized to calculate, or cause to be calculated by a suitable person appointed by them, the existing value, on some day in every year designated by them, of all outstanding policies of life insurance in companies authorized to make insurance on lives in this Commonwealth; and such calculated values shall be included by the insurance commissioners in their annual report to the legislature. And by way of compensation for the making of said calculation, the insurance companies shall pay an amount equal to one cent on every thousand dollars insured

Commissioners to  
return value of  
outstanding life  
policies, if deemed  
expedient.



by them on lives. All companies making insurance upon lives, or their agents, in this Commonwealth, shall furnish to the commissioners, or to the person employed by them, an attested statement, certified in the same manner in which their returns are required to be certified; which statement shall set forth in form the number, date and amount of each policy, and the age of the insured, at the period of its date; or in lieu of furnishing such statement, the companies shall admit the person who is to make the calculation, into their offices, and shall pay his necessary expenses thither and back; in default whereof the said companies, or their agents, shall be liable to the same penalties imposed for neglect to make returns.

#### INSURANCE COMPANIES HAVING SPECIFIC CAPITALS.

Choice of directors.

SECT. 11. Every insurance company with a specific capital, shall annually choose, by ballot, from the stockholders of the company, resident within this Commonwealth, not less than five directors, who shall hold office for one year, and until others are chosen and duly qualified in their stead. Such directors, when elected and notified, shall, before they are qualified to act, declare their acceptance of the same, in writing, to the secretary of the company. Not less than four directors shall constitute a quorum; and all questions shall be decided by a majority of those present. Vacancies in any office may be filled by the directors, or by a meeting of stockholders called for that purpose. Proxies may be authorized in writing, each share to be entitled to one vote; but no stockholder shall be entitled to cast over thirty votes. The record of the votes, whether cast in person or by proxy, made by the secretary or clerk of any insurance company, shall be evidence of all such elections.

Quorum.

Vacancies.

Proxies.

Choice of president and secretary.

Sworn.

Secretary to keep record.

SECT. 12. The directors shall, annually, by ballot, choose a president and secretary and such other officers as the rules direct; the president shall be chosen from the board of directors; the president and secretary shall annually be sworn to the faithful discharge of their duties; the president shall preside at all meetings of the stockholders and directors, but when absent, a president *pro tem.* may be chosen, as the meeting may determine. The secretary shall keep a true record of the votes of the stockholders, and of the directors; a true list of the stockholders, and number of shares standing in the name of each; a true record of all transfers of shares; and shall keep, or cause to be kept, a record of all policies issued by the company, and of all assignments and transfers thereof; and shall keep such

additional books as the president and directors may require.

SECT. 13. Special meetings of the stockholders may be Special meetings. called by the directors, when they think proper; and they shall call such meetings on the written application of the owners of one-fifth part of the capital, or of twenty stockholders; said stockholders setting forth in their application the purposes of the meeting.

SECT. 14. The capital stock, unless otherwise specially Capital, when paid in, and how invested. provided for by the act of incorporation, shall be paid in, in cash, within twelve months from the date of the charter; and no company shall issue a policy until the whole amount of its capital shall have been subscribed and paid in, in cash, unless otherwise provided in the charter of such company, nor until a certificate from the insurance commissioners shall have been obtained, authorizing such company to issue policies. And the insurance commissioners shall examine the same, and a majority of the directors shall make oath that such money has been paid in by the stockholders towards payment of their respective shares, and not for any other purpose, and that it is intended that the same shall remain as the capital of the company, to be invested as required by the provisions of this act. Nor in any case shall certificates of full shares be issued, until the whole capital shall have been paid in; and the said capital stock shall be invested in the stocks of the United States, or of this Commonwealth, or of any city or town thereof, or in any of the banks thereof, or in any railroads thereof, which have been completed and paid for, the franchises of which are not pledged or mortgaged, or in bonds of railroad corporations in this Commonwealth, or may be loaned on mortgages of real estate therein, or on pledges of any of the stocks or bonds named in this section: *provided*, that no insurance Proviso. company shall own more than one-fourth of the capital of any one bank, nor shall any such company invest in, or loan on, the stocks and bonds both included, in any one railroad company, more than one-tenth of its own capital, nor in the aggregate, shall the investment in, and loan on, all railroad property, exceed one-fifth of its own capital. Not more than one-half of its capital shall be loaned on mortgage of real estate, and not more than one-tenth part of the capital of said insurance company, actually existing, shall be invested in a single mortgage. And if any investment or loan be made in any manner not authorized by this act, the directors making, or authorizing the same to be made, shall be personally liable to the stockholders for any loss occasioned

thereby. Nothing contained in this act shall compel any insurance company, chartered by this Commonwealth, now doing business, to change any investment that was originally legally made.

**Risks to be taken.** SECT. 15. Companies thus organized may insure vessels, freights, goods, money, effects, money lent on bottomry or respondentia, against the perils of the sea, and other perils usually insured against by marine insurance; dwelling-houses and other buildings, merchandise and other personal property, against loss by fire, according to their respective charters. But no stock company shall hold on any one risk, a sum exceeding one-tenth part of the capital existing, and surplus, after deducting all losses, claims, liabilities, and debts due from the company. All policies shall be signed by the president and secretary; in the absence of the president by two directors, and in the absence of the secretary by a secretary *pro tem*.

**Limitation of risks.**

**Policies, how to be signed.**

**Directors to furnish annual statement.**

SECT. 16. At each annual meeting of the company, the directors shall cause to be furnished to the stockholders, a statement of the condition of the company, and in making dividends, shall not consider any part of the premium money divisible, until the risks for which the same was paid have absolutely been terminated. But in making up their annual statement, they shall be required to charge themselves only with such portions of the cash or notes received on policies which are unexpired, as would be required to reinsure all outstanding risks. When the capital shall have been reduced by losses, or from any other cause, the amount thereafter to be taken on any one risk shall correspondingly be reduced to the limitation in the fifteenth section of this act. If the directors allow more to be insured than is authorized by this section, on any one risk, they shall be liable for any loss on any amount exceeding one-tenth the existing capital. If any company shall be under liability for losses actually sustained, equal to the capital, and the president and directors knowing it, shall make insurance or assent thereto, they shall be personally liable for the loss, if any take place under such insurance. And whenever the charter permits the capital stock to be paid by instalments, if said capital be lessened by losses before all instalments are paid in, each stockholder shall be liable for the instalments unpaid on his shares at the time of such loss; and no dividend shall be made until the capital is restored to its original amount.

**Liability of president and directors.**

**Liability of stockholders.**

**Annual returns to assessors.**

SECT. 17. Every company shall, annually, between the first and tenth day of May, make return by mail or otherwise, to the assessors of every city or town in this Common-

wealth, in which any stockholder resides, of the names of such stockholders, the number of shares belonging to each on the first day of May, with the par value and the cash market value of the shares, as far as they can ascertain the same, deducting the value of real estate as assessed to the corporation; and every company shall make return of the number of shares of corporate stocks of all kinds held by them as collateral security for the debt or liability of any person residing in such town or city on the first day of May, with the names of the persons, number of shares, and par value of each kind. Any company neglecting to make the returns provided in this section, or that shall wilfully make false returns, shall forfeit, for each offence, not less than fifty, nor more than one thousand dollars, to the use of the city or town in which such stockholder may reside; to be recovered in the name of such city or town.

Penalty for neglect.

#### MUTUAL MARINE AND MUTUAL FIRE AND MARINE INSURANCE COMPANIES.

SECT. 18. All mutual marine and mutual fire and marine insurance companies which may hereafter be established by a law of this Commonwealth, shall be subject to the provisions embraced in the twenty-third, twenty-fourth, and twenty-fifth sections of this act, relating to mutual fire insurance companies, and shall, before commencing business, have an agreement substantially as follows, viz. :—

Election of officers, &c.

“The subscribers, members of the insurance company, severally agree to pay said company, on demand, the sums set against our names; or such part thereof as may be called in for the use of the company, in money or promissory notes.”

Form of agreement.

Policies of insurance may be issued by such company, whenever two hundred thousand dollars, if the company is in Boston, or one hundred thousand dollars, if the company is in any other city or town in the Commonwealth, has been subscribed and paid in cash, or notes payable on time not exceeding twelve months, and the president and a majority of the directors shall have certified that the subscribers are known to them, and they believe them solvent and able to pay their subscriptions; and a copy of the same shall have been deposited with the insurance commissioners, and approved by them. All subsequent subscriptions shall be made and certified in like manner; and a certified copy shall, annually, on or before the first day of November, be filed with said commissioners.

When policies may be issued.

SECT. 19. Each subscriber during the term of his sub-Membership.

scription, and each person insured, shall be a member of the company; but those insured shall not remain members after the termination of the risk and the payment of the loss due, if any, thereon.

How subscriptions shall be held and used.

SECT. 20. The subscriptions provided for in the eighteenth section shall constitute a permanent fund, to be used, when necessary, for payment of the losses and expenses of the company; but shall not be applied to pay the premiums for insurance effected by the subscribers. The subscription notes as they mature, shall be paid in, or other notes substituted therefor, so that the amount of the original fund shall not be reduced. The subscription notes, or any *pro rata* portion thereof, may be cancelled whenever the net profits of the business shall be sufficient to replace the same; and such profits shall then be invested as prescribed in section fourteen of this act, thereafter to be held as the permanent fund in place of said notes. All payments made on subscription notes, and all cash funds not required for the current uses of the company, shall also be invested as prescribed in section fourteen of this act. If any subscriber shall fail to pay his subscription, and it shall be proved that the president or any director, knowingly certified falsely in regard to such subscriber, such person shall be liable to the company for such sum as the subscriber fails to pay.

Limit of single risks.

SECT. 21. No company shall hold, on any one risk, more than ten per cent. of the subscriptions and invested funds, not pledged, and premium notes on risks absolutely terminated, after deducting therefrom all losses and claims for losses, or cash received for risks not terminated, and all debts. Whenever, by means of open policies or indorsements thereon, more than ten per cent. is so at risk, the directors shall, as soon as may be, obtain reinsurance for the amount of such excess. If the company shall, at any time, be liable for losses beyond the amount of their cash fund, legal investments, premium notes received from risks terminated, and subscription notes, the president and directors, knowing the condition of the company, shall be personally liable for all losses occurring on insurance effected during such state of the company.

Liability of president and directors for over insurance.

President to make monthly statement.

SECT. 22. The directors shall require the president to make a monthly statement to them of the assets and liabilities of the company; which statement shall be entered upon the records of the directors, or in a book kept for that purpose. Every mutual marine and mutual fire and marine insurance company, chartered by and now doing business in this Commonwealth, shall, from and after the first day of

January, eighteen hundred and fifty-seven, conform to the provisions of this act.

MUTUAL AND STOCK AND MUTUAL FIRE INSURANCE COMPANIES.

SECT. 23. Every mutual fire insurance company shall annually elect, by ballot, not less than seven directors, citizens of this Commonwealth, and after the first election, members of the company; and they shall manage and conduct the business thereof. Every person insured by the company shall be a member, and no one member shall be allowed more than five votes in person. Proxies may be authorized in writing; but all such proxies shall not be legal unless dated within six months previous to the meeting of said company, at which the same may be used; and no individual shall be allowed, by proxy or otherwise, to cast more than twenty votes; and no paid officer of the company shall vote as proxy for any absent member. Election of directors. Proxies.

SECT. 24. The directors of every mutual fire insurance company shall annually choose by ballot one of their number as president; they shall also choose a secretary and treasurer; these officers shall annually be sworn to the faithful discharge of their duties, and a record of the oath shall be entered upon the books of the company. The secretary shall keep true records of the meetings, both of the corporation and the directors, and of all votes passed by them; and record, or cause to be recorded, a copy of all policies issued by such company; and also, all assignments or transfers of the same, when properly assented to; the record of which policies, assignments and transfers, shall be open to the inspection of any persons interested therein. Choice of president, secretary and treasurer. Sworn. Secretary to keep record.

SECT. 25. Not less than five directors shall constitute a quorum, and all questions shall be decided by a majority of those present. Vacancies in any office may be filled by the directors until the next annual election, or by a new election at a meeting to be called for that purpose. Special meetings of the members may be called when ordered by the directors, and the directors shall call such meetings when requested, in writing, to do so, by any twenty members. Quorum of directors. Vacancies. Special meetings.

SECT. 26. The directors of every corporation which shall become a member of any mutual company, may authorize one or more of the stockholders of such corporation to represent the same in all meetings of the said insurance company; and such representatives shall vote and be eligible to the office of director in the company; and any member of a mutual insurance company may be a competent witness in all cases, civil or criminal, in which the company is a party or interested. Corporations may be represented. Members may be witnesses.

**Assessments.**

SECT. 27. Whenever the just claims against a mutual fire insurance company exceed the funds, the directors shall assess such sums as may be necessary, upon the members, in proportion to their premium and deposit, no member being liable to pay, in addition to his premium and deposit, more than a sum equal to his said premium and deposit; and in case of classification of risks, said assessment shall be made upon such premium and deposit as were given upon hazards associated with the property upon which losses have occurred. And whenever sufficient property of the company cannot be found to satisfy an execution issued against them, and the company have property belonging to the period assessed, and the proceeds of which can be applied to satisfy such execution, and the directors neglect to pay the same, or neglect, for thirty days after the rendition of judgment, to make an assessment and deliver the same to the treasurer for collection, or to apply such assessment, when collected, to the payment of the execution, in either of these cases, the directors shall be personally liable for the amount of the execution.

**Liability of directors.****Liability of treasurer.**

SECT. 28. If the treasurer of any mutual company unreasonably neglect to collect an assessment, made by order of the directors, and to apply the same to the payment of the claims for which it was made, he shall, in his private capacity, be liable for the amount of the assessment to the party having such claims against the company; and he may repay himself for such payments out of any money afterwards received for the company on account of said assessment.

**When directors are liable, creditors may sue.**

SECT. 29. Whenever the directors of a mutual company shall be liable to pay any execution against the company, the creditor may recover, by a bill in equity, in the supreme judicial court, or by an action at law against the directors; and any director, who shall pay any execution against the company, for which he is personally liable, may have a suit at law, with equitable remedies, for contribution against any of the directors for their proportion; and also a suit at law, with equitable remedies, against the company, or the individual members thereof, who may be liable therefor, for money so paid for them: *provided*, that no member shall be liable to pay, in addition to his premium and deposit, more than a sum equal to his said premium and deposit.

**Remedy against corporation.** **proviso.****Members to share in profits or loss, on expiration of policy.**

SECT. 30. Every member of a mutual company shall, at the expiration of his policy, have a share in the profits of the company during the time his policy was in force, after all expenses, liabilities and losses then incurred, have been deducted, in proportion to the sums by him paid on account

of said policy, according to the contract or policy. And he shall, in like manner, be subject to pay any assessments which may be laid by such company, for the payment of the losses and expenses of the company, in accordance with the charter and laws regulating such companies.

SECT. 31. No policy shall be issued for a term exceeding seven years, nor on the mutual plan, for a greater amount than three-fourths of the value of the property insured; and every policy made by such company shall create a lien on the personal property, and on any building insured, and the land under the same, for securing the payment of the deposit note, or other liabilities, or any sums assessed upon the same: *provided*, the extent of the liability, and the intention of the company to rely upon the lien, shall be set forth on the face of the policy. And that upon the alienation of the property to a *bona fide* purchaser, the lien shall cease as to all losses which shall thereafter occur, unless the policy shall be continued by consent of the purchaser and the company. And if it shall become necessary to resort to such lien for the payment of the liabilities secured thereby, the treasurer shall demand payment from the insured, and also from the tenant in possession, or the person having possession of the personal property, setting forth, in writing, the sum due; and, in case of non-payment, the company may sue and levy the execution upon the property or estate. The officer making the levy may sell the whole or any part thereof, by auction, and apply the proceeds in the same manner as in the sale of an equity of redemption of real estate; and the owner shall have the same right to redeem any real estate thus sold, as in case of the sale of an equity of redemption, upon execution.

Policies issued for seven years, and to create a lien, &c.

Proviso.

Proceedings to enforce lien.

SECT. 32. The directors of mutual fire insurance companies may divide the property insured into not exceeding four classes. The policy shall designate the class, and the assessments shall be made upon premiums and deposits belonging to the class in which the loss occurs: *provided*, that no policy shall be issued in a separate class, until five hundred thousand dollars shall be subscribed to be insured in that class on one date, and the same entered on the books of the company. The expenses of the company, not strictly applicable to either class, shall be apportioned to each class according to the amount of premiums paid by that class for the same period; and in a division of the funds and returns of premiums and deposits, each member shall be entitled to receive his proportion of the profits belonging to the class in which he was insured; and no money belonging to any one class,

Policies to designate class of property insured.

Proviso.



received either as premium or assessment in said class, shall be used to pay losses or expenses, or other liability, of any other class.

Assessments and statements to be recorded.

SECT. 33. All mutual fire insurance companies shall, upon making an assessment, keep a record of the vote passed by the directors for making such assessment, together with a statement of the condition of the company at the time such assessment shall be made; and when an assessment is ordered, the whole amount to be raised, and the particular losses, or other liabilities of which said amount consists, shall be stated; the said statement shall also separately show the amount of cash on hand, of deposit notes, and of liabilities subject to such assessment. The statement as above shall be recorded in a book kept for that purpose, and shall be signed by the directors voting for such assessment. Said statement shall be open to the inspection of any member of the company, with the right to take a copy of the same; and any person who is liable to assessment shall be considered a member of the company. It shall not be legal for any company to collect an assessment made after the passage of this act, until such statement and record shall have been made. No assessment shall be laid by any company on any member whose policy shall have expired or been cancelled for the period of two years. Companies dividing their risks and insuring in separate classes, shall make a statement as above, for each and every class in which an assessment is ordered.

Statement subject to inspection, &c.

Amount of single risks to be taken.

SECT. 34. No mutual fire insurance company shall contract for insurance, on any one risk, for any greater amount than they intend to retain; and shall in no case contract for a larger amount with the view or intention of reinsuring any part of the same.

Investment of funds.

SECT. 35. All investments of funds of any insurance company shall be made in the corporate name of said company; and all funds of such companies as classify their risks, shall be kept and invested separately, so as to designate the assets belonging to each class.

Policies of stock and mutual companies.

SECT. 36. No mutual fire insurance company shall issue policies on any other than the mutual plan of insurance, excepting such companies as have been chartered as stock and mutual companies; and such companies, before issuing any policies or transacting any business in the stock department, if doing business in Boston, either directly or through agencies, shall have a guarantee capital of at least one hundred thousand dollars, paid in and invested as required by section fourteenth of this act, exclusive of stockholders'

\$100,000 guarantee capital required, if in Boston.

notes, unless such notes are secured by mortgage or by pledges of stock or bonds, as provided in the fourteenth section of this act; and of all debts due from the company, and such proportion of all premiums received in cash for risks not terminated, as would be requisite to reinsure the same; and if doing business in any other city or town, the sum of at least fifty thousand dollars shall be paid in and invested in like manner, and be subject to all like conditions and restrictions as specified above. All business and all investments on account of the stock department of such companies shall be separately kept, and in making returns, as required, to the insurance commissioners, shall be according to the form marked A; the business done on the mutual principle shall also be kept separate, and returns made agreeably to the form marked C, appended to this act, as required in section eighth; and such combined companies shall not take, on any one risk in their stock department, a sum exceeding one-tenth of their capital stock; and when the capital stock is reduced in any way, the amount thereafter to be taken on any one risk shall forthwith be correspondingly reduced to the limitation in the fifteenth section of this act, until the capital shall be restored to its original amount.

\$50,000, if out of Boston.

Business of stock department to be kept separate.

SECT. 37. One-half of the directors of every mutual fire insurance company, with a guarantee capital, shall be chosen from the holders of the guarantee stock, and the other half from the members of the mutual department. The secretary of every such company shall keep a true list of stockholders of the guarantee capital, and of the number of shares held by each, and a record of the transfer of shares. Special meetings may be called by the directors whenever they think proper, and shall be called by them upon the written application of the owners of one-fifth of the guarantee stock, or of twenty members of the mutual department, setting forth the purposes of the meeting. Such companies shall, annually, between the first and tenth day of May, make the same returns to the assessors of each city or town in this Commonwealth, of the holders of the guarantee stock, and of the number of shares of corporate stock held as collateral security as is required by this act, of companies with specific capital; and shall be subject to the same penalty for neglecting to make the returns so required.

Choice of directors.

Secretary to keep list of stockholders of guarantee capital, &c.

Returns to assessors.

SECT. 38. All mutual fire insurance companies that have been incorporated in this Commonwealth, shall be allowed to issue policies on any property included in the terms of their charter, situated in the States of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut and

Present corporations may insure out of Commonwealth.

Future corporations prohibited.

New York ; but any such company, hereafter incorporated, shall not insure property situated without the limits of this Commonwealth.

\$500,000 to be subscribed before policies can issue.

SECT. 39. No policy shall be issued by any mutual fire insurance company hereafter incorporated by the legislature of this Commonwealth, until the sum of five hundred thousand dollars shall have been subscribed to be insured, and the same entered on the books of the company. The policies issued for the same, and the deposit notes given for said insurance, to be of the same date, which deposit notes shall not exceed double the amount paid as cash premium.

#### MUTUAL LIFE INSURANCE COMPANIES.

When life companies may go into operation.

SECT. 40. Before any mutual life insurance company shall go into operation, a guarantee capital of one hundred thousand dollars shall be paid in money, and invested as required by section fourteenth of this act. The subscribers or holders of guarantee stock in any mutual life insurance company, shall choose the first board of directors ; at all subsequent elections they shall choose one-half of the directors, until the redemption of the guarantee stock, when the insured shall choose all of the directors. The stockholders shall be entitled to such annual dividends, not exceeding seven per cent., as may be agreed upon at the time of subscribing the capital, if the net surplus over a requisite reservation for liabilities and contingencies shall be sufficient to pay the same ; and if less than the sum originally agreed on, it shall be made equal to it when the profits of the company are sufficient. One-quarter of the estimated surplus fund above a sufficient fund to provide for risks, losses, expenses and dividends, shall be reserved to be appropriated to the redemption of the guarantee stock ; and after the expiration of ten years from the organization, when the amount reserved shall be sufficient, and the insured shall so vote, the guarantee stock may be redeemed. At the expiration of every five years the residue of the estimated surplus fund may be divided among the assured in proportion to the amount of premiums paid by them respectively on account of the risk on their policies for any part or the whole of the preceding five years : *provided*, that any policy, on which the premium is payable otherwise than by equal annual payments, shall not be entitled to a larger distribution than if the premium had been so paid.

Choice of directors.

Dividends.

Redemption of guarantee stock.

Proviso.

Payment of certain share of profits to Mass. Gen. Hospital.

SECT. 41. Every company empowered to make insurance on lives upon land, shall be subject to the same obligations for the payment of a certain share of the profits to the Mas-

sachusetts General Hospital, as are imposed on the Massachusetts Hospital Life Insurance Company.

SECT. 42. A policy of insurance on the life of any person, expressed to be for the benefit of any married woman, whether made by herself, her husband, or any other person, shall inure to her separate use and benefit, and that of her children, independently of her husband or his creditors, or the person effecting the same, or his creditors. A trustee may be appointed by the party obtaining the policy, or in case of no such appointment, then by the judge of probate for the county in which the party for whose benefit said policy is made, resides, to hold the interest of the married woman in such policy, or the proceeds thereof. A policy effected by any person on his own life, or on the life of another, expressed to be for the benefit of such other, or his representatives, or a third person for whose benefit it was made, shall be entitled thereto, against the creditors and the representatives of the person effecting the same. If the premium is paid by any person with intent to defraud his creditors, an amount equal to the premium so paid, with interest thereon, shall inure to the benefit of his creditors.

Insurance by one party for benefit of another, to insure, &c.

SECT. 43. The treasurer of the Commonwealth, in his official capacity, shall take and hold, on deposit, the securities of any insurance company incorporated under the laws of this Commonwealth, which shall be so deposited by any such company for the purpose of complying with the laws of any other State, in order to enable such company to commence business in any other State. The company depositing such securities shall have the right to receive the income thereof, and, at any time, to exchange the same according to the laws of the States in which they may be doing business.

Treasurer to receive, on deposit, securities, &c.

#### FOREIGN INSURANCE COMPANIES.

SECT. 44. No foreign insurance company with specific capital, by their agent in this Commonwealth, shall insure property in this Commonwealth, or contract for insurance with any residents in this Commonwealth, unless the capital stock of the company amounts to one hundred thousand dollars, all of which sum shall have been paid in, in cash, and invested, exclusive of stockholders' obligations of any description not secured as required in the fourteenth section of this act, and the debts of the company; nor unless the company is restricted, by its charter or otherwise, from incurring any greater hazard in one risk than one-tenth of

No insurance by foreign stock companies, unless \$100,000 paid in, &c.

its unimpaired capital, nor unless the company shall have complied with the provisions of this act.

No foreign mutual company to insure without \$100,000 cash, and \$100,000 in deposit notes, &c.

SECT. 45. No foreign insurance company doing business upon the mutual plan, by their agent in this Commonwealth, shall insure property in this Commonwealth, or contract for insurance with any resident of this Commonwealth, unless said company shall have one hundred thousand dollars in cash, or available cash funds, securely invested, and at least one hundred thousand dollars in deposit notes; and before any foreign companies, whether doing business on the stock or mutual plan, shall, by their agents, transact any business in this Commonwealth, they shall satisfy the board of insurance commissioners that they have the amount of funds required by this act, and have complied with all other provisions of the same.

General agents to be appointed in writing.

SECT. 46. Every foreign insurance company, before doing business in this Commonwealth, shall, in writing, appoint a citizen of this Commonwealth, resident therein, a general agent, upon whom all lawful processes against the company may be served, in like manner as if the company had existed and been duly served with process in this Commonwealth; and said writing, or power of attorney, shall stipulate and agree, on the part of the company making the same, that any lawful process against said company which may be served on said general agent, shall be of the same legal force and validity as if served on said company. And a copy of the writing, duly certified and authenticated, shall be filed in the office of the insurance commissioners, and copies certified by the said commissioners, shall be evidence in the courts of this Commonwealth. This agency shall be continued while any liability remains outstanding against the company in this Commonwealth; and the power shall not be revoked until the same power is given to another, and a copy thereof filed as aforesaid. And service upon said agent shall be deemed sufficient service upon the principal. The general agent shall, before any insurance is made by said company, give a bond to the treasurer and receiver-general of this Commonwealth, with one or more sureties, to be approved by him, in the sum of two thousand dollars, with condition that he will accept service of all lawful processes against the company, in the manner provided in this act. Every agent of any foreign insurance company doing business in this Commonwealth, shall, before any business is done by him for said company, give a bond to the treasurer and receiver-general of this Commonwealth, with one or more sureties, to be approved by him, in the

Copy to be filed with commissioners.

Agent to give bonds;

sum of one thousand dollars, with conditions that he will, on or before the fifteenth day of November in each year, make return, on oath, to the treasurer and receiver-general of this Commonwealth, of the amounts insured by him, the premiums received and assessments collected, during the year ending on the thirty-first day of the October preceding, and at the same time pay to the treasurer and receiver-general, the tax provided in the following section of this act.

SECT. 47. Whenever, by the laws of any other State, any taxes, fines, penalties, deposits of money, or of securities or other obligations or prohibitions, are or shall be imposed upon insurance companies incorporated or organized under the laws of this Commonwealth, and transacting business in such other State, or upon the agents of such insurance companies, then, so long as such law or laws shall continue in force, the same taxes, fines, penalties, deposits and obligations, shall be imposed upon all insurance companies doing business in this Commonwealth, which are incorporated or organized under the laws of such other State, and upon their agents. And all insurance companies, transacting business in this Commonwealth, whose charters or other powers are derived from the governments or authorities out of the United States, shall, through their agents in this Commonwealth, in lieu of the relative taxes, herein before indicated, be subject to the payment annually, of the taxes here specified, viz.: on all premiums and assessments collected by agents of any such foreign life, fire or marine insurance company, a tax of one per centum.

Taxes, &c., imposed on agents of other States.

SECT. 48. The general agent of every foreign insurance company shall, before any insurance is made, deposit with the insurance commissioners a copy of the charter of the company, and a statement, in the form appended to this act, adapted to the business done by such companies respectively, signed and sworn to by the president and secretary, and shall, before the fifteenth day of November, annually, transmit a statement in the form appended to this act, signed and sworn to by the president and secretary, made up to the thirty-first day of October preceding, to the insurance commissioners; and shall publish a copy thereof twice, in two different newspapers in each county in which the company has established an agency, and in counties in which but one newspaper is published, three successive weeks.

Copy of charter, &c., to be deposited with commissioners.

Statement to be published.

SECT. 49. If insurance is made by a foreign insurance company without complying with the requisitions of this act, the contract shall be valid; but the agent making the insurance shall be liable to the penalty provided in the fifty-

Validity of contracts and liability of agents.

first section of this act. And if any such company shall neglect to appoint a general agent, agreeably to the provisions of this act, they shall not recover any premium or assessment made by them on any contract of insurance with a citizen of this Commonwealth, until the provisions of this act are complied with.

Agents out of State to exhibit sign, &c.

SECT. 50. Every person acting for an insurance company not incorporated in this Commonwealth, shall exhibit, in conspicuous letters, on the sign designating his place of business, the name of the State under whose authority the company he represents has been incorporated. And said company and agent shall also have printed, in large type, the name of such State, and the kind of office, whether chartered as a mutual or stock company, upon all policies issued to citizens of this Commonwealth, on all cards, placards and pamphlets, and in all advertisements published, issued or circulated in this State, by them or him, relating to the business of such company.

Agents to comply with laws, under penalty of \$1,000.

SECT. 51. No person shall be allowed to act as agent of any insurance company not incorporated in this Commonwealth, until such agent shall have complied with all the requirements of the laws of this Commonwealth relating to such companies and their agents; and every person so acting, without such compliance, or any person who shall, knowingly procure payment, or any obligation for the payment of any premium for insurance, by fraudulent representations, shall be punished by fine not exceeding one thousand dollars for each offence.

Penalty for neglecting to make returns.

SECT. 52. Every agent of a foreign insurance company neglecting to make the returns required by this act, shall forfeit one hundred dollars for each and every day's neglect, to be recovered by the treasurer of the Commonwealth.

Agents to exhibit books, when required, &c.

SECT. 53. The insurance commissioners of the Commonwealth shall, at any time, have full power to require the agents of any foreign insurance company to exhibit the books kept by them, relating to said agencies, and to make answer, in writing and under oath, to all reasonable questions proposed by said commissioners, in order to elicit a full statement of the business done for the company represented by such agent; and any agent refusing or neglecting to answer such interrogatories for the space of thirty days, shall be deemed not to have complied with the provisions of the laws of this Commonwealth; and if he continue to act as agent aforesaid, he shall be liable to the penalty prescribed in the fifty-first section of this act.

Penalty for refusing.

SECT. 54. Any agent making insurance in violation of

this act, or any law of this Commonwealth regulating insurance companies, shall forfeit, for each offence, a sum not exceeding one thousand dollars; and every person who shall make, contract for or receive, or transmit proposals for insurance for any other person, or receive for delivery, policies founded on proposals so forwarded by him from this Commonwealth, shall be deemed the agent of the company within the meaning of this act. And all payments made for policies, whether in money or note, shall be taken and deemed as premiums. And the governor and council may allow such reasonable compensation for services rendered and expenses incurred, in enforcing the provisions of this act, as they shall deem proper.

Penalty for violating this act.

Who deemed as agents.

SECT. 55. The word *foreign*, used in this act, applies to all companies not incorporated by the legislature of this Commonwealth.

"Foreign" defined.

SECT. 56. The following acts are hereby repealed, viz.: The eighty-second chapter of the statutes passed in the year one thousand eight hundred and forty-six, and the four hundred and fifty-third chapter of the statutes passed in the year one thousand eight hundred and fifty-four, and so much of section nine, of the one hundred and twenty-fourth chapter of the statutes passed in the year one thousand eight hundred and fifty-five, as requires the board of insurance commissioners to make an annual report to the secretary of the Commonwealth: *provided, however*, that the same shall be and remain in force so far as may be necessary for the recovery of any fines or penalties which may have been incurred, and for enforcing any liabilities which may exist under the same at the time of the passage of this act; and *provided, further*, that this repeal shall not operate to revive any law which was repealed by any of said acts.

Acts repealed.

Proviso.

Provided, further.

### A.

*Form of Return for all Insurance Companies with Specific Capitals, doing business in this Commonwealth.*

1. State the Name of the Company.
2. Where located?
3. When incorporated?
4. Amount of Capital?
5. Amount of Capital actually paid in?
6. Number of shares, and par value of each?
7. Amount of Fire Risks outstanding?



8. Amount of Marine Risks outstanding?
9. Total amount of Outstanding Risks?
10. Amount of United States Stock or Treasury Notes owned by the Company?  
State amount of each kind, and par value and market value of each.
11. Amount of State Stocks?  
State amount of each kind, and par value and market value of each.
12. Amount of Bank Stocks?  
State amount of each kind, and par value and market value of each.
13. Amount of Railroad Stocks?  
State amount of each kind, and par value and market value of each.
14. Amount of Railroad Bonds?  
State amount of each kind, and par value and market value of each.
15. Cash value of Real Estate owned by the Company?
16. Amount of Cash on hand?
17. Amount of Cash in hands of Agents?
18. Amount loaned on Mortgage of Real Estate?
19. Amount loaned on Collateral?
20. Amount loaned without Collateral?
21. Amount of all other investments?
22. Amount of Premium Notes on risks terminated?
23. Amount of borrowed money, specifying collaterals given for the same?
24. Amount of Losses due and unpaid?
25. Amount of Losses claimed and unpaid?
26. Amount of Losses reported upon which the liability of the Company is not determined?
27. Amount of all other Claims against the Company?
28. Amount of Cash received for Premiums on Fire Risks?
29. Amount of Cash received for Premiums on Marine Risks?
30. Amount of Notes received for Premiums on Fire Risks?
31. Amount of Notes received for Premiums on Marine Risks?
32. Amount of Cash received for interest?
33. Amount of Income received from all other sources?
34. Amount of Fire Losses paid last year?
35. Amount of Marine Losses paid last year?

36. Amount of Dividends paid the last year?
37. Amount paid for expenses of office?
38. Amount of other expenditures?
39. Amount received in cash for Fire Riaks not terminated?
40. Amount required to reinsure all outstanding risks?
41. Amount of Premium Notes on risks not terminated?
42. Amount of Delinquent Notes not charged to Profit and Loss?
43. Highest rate of Interest received?
44. Highest rate of Interest paid on money borrowed?
45. How many shares of the Capital Stock are pledged to the Company?
46. Balance to credit of Profit and Loss account?
47. Balance to debit of Profit and Loss account?
48. How many shares of the Capital Stock are owned by the Company, or not subscribed for?
49. What amount of the Capital consists of the stockholders' notes?

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B.

*Form of Return for Mutual Marine, and Mutual Fire and Marine Insurance Companies, doing business in this Commonwealth.*

1. Name or Title of the Company?
2. Where located?
3. When incorporated?
4. For what period?
5. Amount invested in United States Funded Debt, with the amount of each kind owned?  
State par value and market value, per share.
6. Amount of United States Treasury Notes owned?  
State par value and market value, per share.
7. Amount invested in State Stocks, with the amount of each kind owned?  
State par value and market value, per share.
8. Number of Shares owned in each Bank which are not pledged?  
State par value and market value, per share.
9. Number of Shares owned in each Railroad? Amount invested in each, at cost on Books?  
State par value and market value, per share.

10. Amount received in Railroad Bonds, and amount of each kind at cost on Books?  
State par value and market value, per share.
11. Amount invested in Real Estate as it stands on the Books of the Company?
12. State specifically all other investments or property.
13. Cash on hand and in Bank?
14. Cash in hands of Agents?
15. Amount loaned on Mortgage of Real Estate?
16. Amount loaned on Notes secured by collaterals of Personal Property?
17. Amount loaned on Notes without collateral security?
18. Amount of Stock Notes on hand not overdue?
19. Amount of Stock Notes on hand that are past due?
20. Amount of Premium Notes on risks terminated?
21. Amount of Premium Notes on risks not terminated?
22. Amount of delinquent Premium Notes not charged to Profit and Loss?
23. Amount of Scrip issued for Profits which remains outstanding?
24. Amount of Debts due the Company other than those before enumerated?  
State particularly their respective amounts and origin.
25. Amount of Marine Risks not terminated?
26. Amount of Fire Risks not terminated?
27. Amount received in Cash for Fire Risks not terminated?
28. State the highest rate of Interest received.
29. Amount received for Interest?
30. State the highest rate of Interest paid for money borrowed.
31. Amount paid for Interest?
32. State the amount borrowed which remains unpaid, and state particularly the collateral given for each loan.
33. Amount of Fire Losses paid the past year?
34. Amount of Marine Losses paid the past year?
35. Amount of Losses ascertained and unpaid?
36. Amount of Losses claimed other than those ascertained and unpaid?
37. Amount of Expenses, Taxes and Commissions paid the past year?

## C.

*Form of Return for all Mutual Fire Insurance Companies, doing business in this Commonwealth.*

1. Name of the Company?
2. Where located?
3. When incorporated?
4. Date of commencement of business?
5. Amount insured by existing Policies, in each Class?
6. Amount of Premiums and Deposits on the same, in each Class?
7. Amount of Premiums and Deposits received in cash, in each class?
8. Number of Shares in each Bank?  
State par value and market value, per share.
9. Number of Shares in each Railroad?  
State par value and market value, per share.
10. Amount of Bonds of each Railroad?  
State par value and market value, per share.
11. Amount invested in Real Estate, at cost, on the books of the Company?
12. State in full all other investments.
13. Are any of the Assets or Securities of the Company pledged for liabilities of the Company? If yea, state particularly what.
14. Cash on hand and in Bank?
15. Cash in hands of Agents?
16. Amount of Losses paid, in each Class, the last year?
17. Amount assessed on Notes, in each Class, the past year?
18. Amount assessed beyond the amount of Notes, in each Class?
19. Amount of liabilities of the assured to further assessments in addition to the amount already assessed, in each Class?
20. Amount of Assessments past due and not paid, in each Class?
21. Amount of Policies terminated, in each Class, the past year?
22. Amount of Policies issued, in each Class, the last year?
23. Amount of Cash received for such Policies, in each Class, the last year?
24. Amount of Premiums received in Notes for the same, in each Class, the last year?
25. Amount of Losses ascertained and unpaid, in each Class?

26. Amount of Losses claimed, other than those ascertained and unpaid :
27. Amount of Cash Dividends paid to Policy holders, in each Class, the last year ?
28. Amount of Assessments beyond the Notes received, in each Class, the last year ?
29. Amount owed for money borrowed, and on what securities ?
30. Highest rate of Interest paid :
31. Highest rate of Interest received :
32. Amount received for Interest :
33. Amount insured on Real Estate :
34. Amount insured on Personal Property :
35. Amount of Delinquent Notes not charged to Profit and Loss account ?
36. Amount paid for Expenses, Taxes and Commissions, the last year ?
37. What proportion of the Property insured is in Massachusetts ?
38. What proportion of the Losses occurred on Property situated in Massachusetts ?

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D.

*Form of Return for all Life Insurance Companies, doing business in this Commonwealth.*

1. Name of the Company :
2. When chartered :
3. For what period ?
4. Where located ?
5. On what table or basis of Mortality, and upon what rate of Interest, is the rate of Premium calculated ?
6. What percentage is added to rate computed to be necessary for payment of Losses, to meet Rent, Salaries, Commissions, and other incidental expenses and extraordinary contingencies ?
7. Amount insured by existing Policies ?
8. Present net value of existing Policies, or amount requisite for reinsurance at the rate of Premium charged by the Company, or by some other of good reputation, in actual use—and what one, including the "loading," or addition for expenses and contingencies ?
9. If estimated, and not actually computed, state the grounds upon which said estimate is predicated.

10. State, in full, the Assets of the Company.
11. Number of Shares owned in each Bank ?  
State par value and market value, per share.
12. Number of Shares owned in each Railroad, stating the corporate name of each, and amount invested in each at cost on books ?  
State par value and market value, per share.
13. Amount owned in Railroad Bonds ?  
State par value and market value, per share.
14. Amount invested in Real Estate, at cost, on the Books of the Company ?
15. Amount loaned on Mortgages of Real Estate ?
16. Amount loaned on Notes secured by collaterals of Personal Property ?
17. Amount loaned on Notes without collaterals ?
18. State, in full, all other Investments.
19. Amount due to the Company which is overdue and in arrears ? Are any such included in the above statements of assets and investments ; and if so, to what amount ? What part, if any, is due on account of risks actually terminated by the Company ?
20. Amount of Losses ascertained and unpaid ?
21. Amount of Losses claimed against the Company, whether acknowledged as due or not by the Company ?
22. Amount due from the Company on its declared, promised or acknowledged indebtedness, or other claims, including dividends, bonuses on distribution of surplus, or as profits ?
23. Amount received for Premiums the past year ?
24. Amount received for Premiums in Cash ?
25. Amount received for Premiums in Promissory Notes or Securities ?
26. Amount received for Interest the past year ?
27. Amount paid for Interest the past year ?
28. Amount of Guarantee Funds ? And state particularly whether the same are in Cash or Subscription Notes.
29. How are Dividends, Distributions of Surplus Funds, Bonuses, or estimated Profits paid, whether in Cash, Scrip, or otherwise on Credit, and whether on Demand, or if on Credit, for what length of time, and whether payable at a specific time, or indefinitely, at the discretion of the Company ?
30. Amount paid for Expenses, Taxes and Commissions, the past year ?  
[Approved by the Governor, June 3, 1866.]

**Chap. 253** AN ACT to authorize the Governor to appoint Commissioners of Deeds in Foreign Countries.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Foreign commissioners to take acknowledgment of deeds, &c.

SECT. 1. The governor shall have power to appoint one or more commissioners in every foreign country, who shall continue in office during the pleasure of the governor, and shall have authority to take the acknowledgment and proof of the execution of any deed or other conveyance, or lease of any lands lying in this State, or of any contract, letters of attorney, or of any other writing, whether under seal or not, to be used or recorded in this State.

Commissioner's certificate to have effect, &c.

SECT. 2. Such acknowledgment or proof, so taken, according to the laws of this State, and certified by any such commissioner, under his seal of office, annexed to, or endorsed on, such instrument, shall have the same force and effect, as if the same had been made before a judge, a justice of the peace, or any other officer authorized to perform such acts in this Commonwealth.

Power to administer oaths, &c.

SECT. 3. Every commissioner appointed as before mentioned, shall have power to administer any oath which may be lawfully required in this Commonwealth, to any person willing to take it; and to take and certify all depositions to be used in any of the courts of this Commonwealth, in conformity to the laws thereof, either on interrogatories proposed under a commission from a court in this Commonwealth, or by consent of parties, or on legal notice given to the opposite party; and all such acts shall be as valid as if done and certified according to law by a magistrate in this Commonwealth.

Oath of commissioner, &c.

SECT. 4. Every such commissioner, before performing any duty, or exercising any power in virtue of his appointment, shall take and subscribe an oath or affirmation, before a judge or clerk of one of the courts of record of the state, kingdom or country in which said commissioner shall reside, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of the Commonwealth of Massachusetts, which, with a description of his seal of office, together with his signature thereto, shall be filed in the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, June 4, 1856.]

AN ACT relating to the Registry of Deeds for the Northern District of Middlesex. *Chap. 254*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. All instruments, relating to real estate situated within the limits of the district for the registry of deeds known as the Northern District of Middlesex, required by law to be recorded in a registry of deeds, shall be recorded in the registry of said Northern District of Middlesex, and such registration thereof shall be effectual and sufficient for all purposes, so far as the place of registration is concerned.

Instruments required to be recorded in Northern District.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

AN ACT in relation to the Returns of Votes.

*Chap. 255*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The clerks of cities and towns, who shall fail to make their returns of the votes given in their respective cities or towns, at any election whatsoever, in due season, and in conformity with the provisions of the laws, shall be liable to a fine of not less than five, and not more than fifty dollars, to be recovered, by complaint, in any court of competent jurisdiction; and one-half of the penalty shall go to the complainant, and the other half into the treasury of the city or town to which such delinquent clerk may belong.

Penalty on clerks neglecting to return votes.

SECT. 2. All returns of votes shall, henceforward, be made by mail to the officers who are, or may be, specified by law to receive the same; and shall be mailed within forty-eight hours after the closing of the polls in each election; and proof of such mailing, within such time, shall be a bar to any complaint for delinquency.

Returns to be made by mail, &c.

SECT. 3. The secretary of State, and all other officers, to whom such returns of votes are or may be directed to be made, shall notify all city and town clerks, from whom returns shall not have been received within seven days after such election, that the returns have not been received. And if such clerks, after being so notified, shall fail to mail such deficient returns within twenty-four hours after receipt of said notice, they shall be liable to the penalty above named, for each and every instance of delinquency: *provided*, that if such returns shall actually be delivered to the officer or officers pointed out by law to receive the same, within seven

Secretary to notify if returns are not received in seven days.



days after each election, in any manner convenient to said clerks, it shall be deemed a satisfactory and sufficient discharge of their duty, and shall be a bar to any complaint for delinquency.

Inconsistent acts repealed.

SECT. 4. All acts and parts of acts, inconsistent herewith, are hereby repealed. [*Approved by the Governor, June 4, 1856.*]

### Chap. 256

#### AN ACT concerning the planting of Shade Trees.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Officers authorized to plant shade trees.

SECT. 1. The mayor and aldermen of any city, or the selectmen of any town, or any municipal officer, to whom the care of the streets or roads may be intrusted by them, may authorize the planting of shade trees, wherever it may not interfere with the public travel, or with private rights ; and such trees, planted pursuant to such license, shall be deemed and taken to be the private property of the person or persons, or corporations, so planting them, or upon whose premises they may be planted, and may be protected as such in the same manner as any other private property ; and shall not be deemed a nuisance, or abated as such, except upon complaint made to the mayor and aldermen or selectmen aforesaid ; who shall, in case of complaint, cause such trees to be removed, if the public necessity shall seem to them to require their removal.

Penalty for injuring trees, shrubs, &c.

SECT. 2. Any person or persons who shall wantonly injure, deface, tear or destroy any ornamental or shade tree or shrub, statue, fountain, vase, or other plant or fixture of ornament or utility, in any street, road, square, court, park, public garden, or other inclosure, shall be liable to a penalty of not less than five, nor more than one hundred dollars, to be recovered, by complaint, in any court of competent jurisdiction ; one-half of which penalty shall go to the complainant, and the other half to the person or persons, corporation or corporations, upon whose property, or within whose premises, the trespass may have been committed. [*Approved by the Governor, June 4, 1856.*]

## AN ACT in relation to Insolvent Debtors.

## Chap. 257

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Any person, being an insolvent debtor under the laws of this Commonwealth, who shall have been previously so insolvent, and who shall have paid all the debts owing by him at the time of his previous insolvency, shall be entitled to a valid discharge, in the same manner, and it shall have the same effect, as if he had never previously been insolvent. Discharge in cases of second insolvency.

SECT. 2. All acts and parts of acts, inconsistent with this act, are hereby repealed. Inconsistent acts repealed. [Approved by the Governor, June 4, 1856.]

## AN ACT to incorporate the Wamsutta Bank, in Fall River.

## Chap. 258

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Samuel A. Chace, Hale Remington, William Mason, 2d, their associates and successors, are hereby made a corporation, by the name of the president, directors and company of the Wamsutta Bank, to be established in Fall River, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-six ; and shall be entitled to all the powers and privileges, and shall be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth relative to banks and banking. Corporators. Name. Duration. Privileges, restrictions, &c.

SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments, and at such times as the stockholders may direct : *provided*, that the whole be paid before the first day of May, in the year one thousand eight hundred and fifty-seven. Capital stock. Proviso.

SECT. 3. The stock of said bank shall be transferable only at the banking house, and on its books. Transfer of stock.

SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking. [Approved by the Governor, June 4, 1856.] Subject to future laws.

**Chap. 259**

AN ACT to increase the Capital Stock of the Millbury Bank.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Additional capital.

SECT. 1. The president, directors and company of the Millbury Bank, in Millbury, are hereby authorized to increase their present capital stock, by an addition thereto of twenty-five thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and fifty-seven.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax, &amp;c.

SECT. 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of State.

SECT. 4. Before the aforesaid corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

**Chap. 260**

AN ACT in addition to "An Act to incorporate the Broadway Railroad Company."

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Act revived for three years.

Chapter four hundred and forty-four, of the acts of eighteen hundred and fifty-four, being "An Act to incorporate the Broadway Railroad Company," is hereby revived, and continued in force for a period of three years from the passage hereof. [*Approved by the Governor, June 4, 1856.*]

AN ACT to incorporate the Northampton Hotel Company.

Chap. 261

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Jonathan H. Butler, John Clarke, Charles Delano, their associates and successors, are hereby made a corporation, by the name of the Northampton Hotel Company, for the purpose of erecting and maintaining, in the town of Northampton, buildings necessary and convenient for a public house ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes: *provided, however*, that said corporation shall not carry on the business of hotel keeping.

Corporators.

Name.

Purpose.

Privileges, restrictions, &amp;c.

Proviso.

SECT. 2. Said corporation may hold such real and personal property, as may be necessary and convenient for the purposes aforesaid, not exceeding in amount thirty thousand dollars: *provided, however*, that no shares in the capital stock of said corporation, shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. [Approved by the Governor, June 4, 1856.]

Real and personal estate not to exceed \$30,000.

No shares issued under par.

AN ACT in addition to an Act to establish a Police Court in the Town of Milford.

Chap. 262

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The fifth section of chapter sixty, of the act passed in the year one thousand eight hundred and fifty-four, entitled an act to establish a police court in the town of Milford, is hereby amended so that the justice of said court shall retain for his services, in criminal prosecutions, a sum not exceeding six hundred dollars annually.

\$600 to justice, annually.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, June 4, 1856.]

AN ACT to incorporate the South Berkshire Institute Association.

Chap. 263

*Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. J. A. Rising, James Hyde, John Brewer, Edwin Adams, their associates and successors, are hereby made a corporation, by the name of the South Berkshire Institute Association, for the purpose of establishing a boarding and

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

Real estate,  
\$15,000.  
Personal estate,  
\$5,000.

day school in the town of New Marlborough, in the county of Berkshire, to be called the South Berkshire Institute; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real estate to the amount of fifteen thousand dollars, and personal estate to the amount of five thousand dollars, to be exclusively devoted to the purposes of education.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, June 4, 1856.]

### Chap. 264

AN ACT limiting the time for the Organization of Corporations.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time limited to two years.

SECT. 1. The time within which all corporations created by the general court of this Commonwealth shall be organized, shall be limited to two years from the time of the passage of their respective acts of incorporation, except when the time is fixed in their said acts.

Existing corporations, to one year.

Provide.

SECT. 2. All corporations heretofore created by the general court, shall be authorized to organize within one year from the passage of this act, and not after: *provided*, that the term of two years since the passage of their acts of incorporation has then expired, and that there is no limitation of time in the said acts.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, June 4, 1856.]

### Chap. 265

AN ACT in addition to an Act concerning Probate Courts in the County of Dukes County.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Times of holding courts changed.

SECT. 1. There shall be a probate court held every year, at West Tisbury, in the county of Dukes county, on the third Monday of October, and at Edgartown, in said county, on the third Monday of January.

Partial repeal.

SECT. 2. So much of the chapter eighty-three, of the Revised Statutes, as provides for the holding of probate courts at Tisbury, on the third Monday of January, and at Edgartown, on the third Monday of October, is hereby repealed.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, June 4, 1856.]

AN ACT changing the time of holding a Term of the Probate Court in the County of Bristol. *Chap. 266*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. There shall be a probate court held every year at Taunton, in the county of Bristol, on the Friday next after the first Tuesday in November. Time of holding court changed.

SECT. 2. So much of the eighty-third chapter of the Revised Statutes, requiring a probate court to be held at Taunton, in the county of Bristol, on the first Tuesday of November, is hereby repealed. Partial repeal.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

AN ACT relating to the Public Cemetery of the City of Roxbury.

*Chap. 267*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The real estate belonging to the Forest Hills Cemetery, purchased by the commissioners of said Forest Hills Cemetery, of Joel Seaverns, in pursuance of an order of the city council of the city of Roxbury, passed on the twenty-seventh of September, in the year eighteen hundred and fifty-two, shall be exempt from all public taxes so long as the same shall remain dedicated for the purposes of a cemetery. Exempt from taxation.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

AN ACT in addition to "An Act concerning Judges of Probate."

*Chap. 268*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

In determining the jurisdiction of judges of probate, under the act, approved on the twenty-fourth day of May, in the year one thousand eight hundred and fifty-one, to which this is in addition, the provisions thereof shall not be construed so as to render any judge incompetent, by reason of interest, to act in the settlement of the estates of persons deceased, unless the principal sum due or claimed, without interest, shall exceed the sum named in said act. [*Approved by the Governor, June 4, 1856.*]

**Chap. 269**

AN ACT to increase the Capital Stock of the Adams Bank.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Additional capital.

SECT. 1. The president, directors and company of the Adams Bank, in Adams, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-seven.

Proviso.

Remonstrance to be in writing.

SECT. 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting, legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital subject to tax.

SECT. 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to be filed with secretary of State.

SECT. 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

**Chap. 270**

AN ACT to incorporate the Plymouth Library.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

SECT. 1. Charles Burton, Andrew L. Russell, John J. Russell, Charles G. Davis, William T. Davis, their associates and successors, are hereby made a corporation by the name of the Plymouth Library, for the purpose of establishing and maintaining a library in the town of Plymouth; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Purpose.

Privileges, restrictions, &amp;c.

SECT. 2. This corporation may hold, for the purpose Real and personal estate, \$10,000. aforesaid, real and personal estate to the amount of ten thousand dollars.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

AN ACT concerning the sale of Onions in this Commonwealth.

Chap. 271

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. In all purchases and sales of onions hereafter Weight of bushel. made in this Commonwealth, the standard weight of the bushel shall be fifty-two pounds; and the provisions of the one hundred and ninety-ninth section of the twenty-eighth chapter of the Revised Statutes shall hereafter apply to all such purchases and sales.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

AN ACT to amend an Act entitled an Act in addition to an Act to establish the City of Worcester.

Chap. 272

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The power conferred upon the city council of the city of Worcester, by the fourth section of an act in addition to an act to establish the city of Worcester, chapter one hundred and ninety-one of the acts passed in the year one thousand eight hundred and fifty, is hereby conferred upon the mayor and aldermen of said city. Power of mayor and aldermen.

SECT. 2. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

AN ACT changing the time of holding a Probate Court at Groton, in the County of Middlesex.

Chap. 273

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

There shall be a probate court held at Groton, in the county of Middlesex, on the third Tuesday of October in every year; and so much of the eighty-third chapter of the Revised Statutes, requiring a probate court to be holden at said Groton, on the first Tuesday of November, is hereby repealed. Time for holding probate court changed. [*Approved by the Governor, June 4, 1856.*]



## Chap. 274

AN ACT to incorporate the Agawam Bridge Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.	SECT. 1. Lyman Whitman, Thomas Kirkland, Henry Fuller, Henry Sykes, Luther Loomis, Henry Wolcott, Charles G. Rice, Elijah Bliss, J. R. Cooley, Horace Cutler, and their associates and successors, are hereby made a corporation by the name of the Agawam Bridge Company;
Name.	with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.
Privileges, restrictions, &c.	
Authorized to erect a bridge over Connecticut River.	SECT. 2. The said corporation is hereby authorized and empowered to erect a bridge over Connecticut River, between the city of Springfield and the town of Agawam, at or near the present ferry, and to purchase and hold such real and personal estate as may be proper for that purpose, not exceeding in value the sum of one hundred thousand dollars:
Real and personal estate not to exceed \$100,000.	<i>provided</i> , that no shares in the capital stock of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. And said bridge shall be well built, of suitable materials, at least twenty-six feet wide, and floored with planks, with sufficient railings on each side, and shall be kept in good repair at all times.
Proviso.	
Bridge to be well built, &c.	SECT. 3. The said corporation shall be holden to make compensation to any person whose real estate or franchise shall be taken for the uses aforesaid, or be prejudiced thereby; and if there shall be a difference of opinion as to the value of the same, either party may apply to the county commissioners to estimate the damage such person may sustain; whereupon the same proceedings shall be had, in respect to damages and costs, and trial by jury, as are provided by the twenty-fourth chapter of the Revised Statutes, concerning townways and private ways.
Corporation to make compensation for property taken.	
Toll granted.	SECT. 4. A toll is hereby granted to said corporation, and established at the following rates:—For each foot passenger, two cents; for each horse and rider, five cents; for each gig, sulky, buggy, wagon or sleigh, without top, drawn by one horse, ten cents; for each chaise, cab, carryall, covered buggy or sleigh, drawn by one horse, twelve cents; for each coach, chariot, phaeton, omnibus or covered sleigh, drawn by two horses, twenty-five cents; and for each additional horse, four cents; for each cart, wagon, sled, sleigh or other carriage of burden, drawn by one beast, ten cents;

if drawn by two beasts, fifteen cents; for each additional beast, four cents; for each horse without a rider, four cents; for sheep and swine, each, one cent; and one person, and no more, to each team, shall pass free of toll.

SECT. 5. The said tolls shall commence on the day of the opening of said bridge for public use, and continue for the term of sixty years thereafter; and at the place of receiving said tolls, there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly painted or printed thereon: *provided*, that if at any time after the building of said bridge the county of Hampden, the city of Springfield, and the town of Agawam, or any or either of them, shall reimburse the proprietors the money expended by them upon the same, with six per cent. interest added, the said bridge shall then be surrendered to the county of Hampden, to be forever after maintained as a free bridge.

When to commence.

Provided.

SECT. 6. The said corporation may, if it see cause, commute said rates of toll with any person or persons, by taking a certain less sum, payable at any stated periods, instead of the toll aforesaid, or by taking of all persons less rates of toll than are above specified; public notice of their intention so to do being first published three weeks successively, in some newspaper printed in the city of Springfield.

May commute rates of toll, &c.

Public notice to be given.

SECT. 7. The said corporation at the time of opening said bridge, or as soon as may be thereafter, shall cause a true account of the expenses of building the same, and also at the end of every three years thereafter, a true account of all receipts and disbursements on account of the same, to be returned into the office of the secretary of the Commonwealth.

Corporation to return account of expenses of building, &c.

SECT. 8. The legislature may, at any time hereafter, regulate the tolls on said bridge, as they may deem expedient, upon reasonable notice to said corporation.

Legislature may regulate tolls.

SECT. 9. If said corporation shall neglect, for the space of five years from the passing of this act, to build and finish the said bridge, then this act shall be of no effect.

Act to be void unless bridge is finished in five years.

SECT. 10. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

*Chap. 275*

## AN ACT to incorporate the Shelburne Falls Bank.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

- Corporators.** SECT. 1. Jarvis B. Bardwell, E. G. Lamson, Carver Hotchkiss, their associates and successors, are hereby made a corporation by the name of the president, directors and company of the Shelburne Falls Bank, to be established in the town of Shelburne, and village of Shelburne Falls, and shall so continue until the first day of October, in the year one thousand eight hundred and seventy-eight, and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.
- Duration.**
- Capital stock, \$100,000.** SECT. 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of May, in the year one thousand eight hundred and fifty-eight.
- Proviso.**
- Transfer of stock.** SECT. 3. The stock of said bank shall be transferable only at its banking-house and on its books.
- Subject to future laws.** SECT. 4. The said corporation shall be subject to all the liabilities, requirements and restrictions contained in such acts as may hereafter be passed by the general court, in relation to banks and banking. [*Approved by the Governor, June 4, 1856.*]

*Chap. 276*

## AN ACT to incorporate the Brookline Hotel Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

- Corporators.** SECT. 1. Charles Wild, William Aspinwall, George F. Homer and Nathaniel Harris, their associates and successors, are hereby made a corporation by the name of the Brookline Hotel Company, for the purpose of erecting a hotel in the town of Brookline, and maintaining such public house, and the buildings and improvements connected therewith ; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and limitations, set forth in the forty-fourth chapter of the Revised Statutes: *provided*, that said corporation shall not carry on the business of hotel keeping, or be in any way interested in such business.
- Purpose.**
- Privileges, restrictions, &c.**
- Proviso.**

SECT. 2. The whole amount of real and personal estate, Capital not to exceed \$100,000. or capital stock, which said corporation may hold for the purposes aforesaid, shall not exceed one hundred thousand dollars.

SECT. 3. The one hundred and twenty-third chapter of Former act repealed. the acts of the legislature, passed in the year one thousand eight hundred and fifty-five, is hereby repealed.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

AN ACT to fix the Salary of the District-Attorney for the South-Eastern District. Chap. 277

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The salary of the district-attorney for the south-eastern district shall be henceforward established at the rate of one thousand dollars per annum—payable in equal quarterly payments, out of the treasury of the Commonwealth. Salary established. [*Approved by the Governor, June 4, 1856.*]

AN ACT to prevent Waste.

Chap. 278

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The provisions of the fifty-fourth section of the three hundred and twelfth chapter of the statutes of the year eighteen hundred and fifty-two, are hereby so far extended as to embrace all cases when any real action has been or may be brought for the recovery of land, and any waste thereon has been committed or threatened by the defendant, or any one claiming under him, or acting by his permission on the land ; and in all cases the court, or the justice thereof, to whom application is made, may, in their discretion, require that the applicant shall, before the issuing of the writ of injunction, give a bond with sufficient sureties to the adverse party, with the condition that the applicant shall pay all damages, which may arise from the issuing of said writ of injunction, in case the same should be subsequently dissolved. Issue of writs of injunction to stay waste, &c. [*Approved by the Governor, June 4, 1856.*]

**Chap. 279** AN ACT in addition to an Act to incorporate the Dorchester Avenue Railroad Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Authorized to issue bonds not to exceed amount of capital.

SECT. 1. The Dorchester Avenue Railroad Company are hereby authorized to issue bonds, for the purpose of constructing their road, or for money which it may borrow, for any purpose sanctioned by law; but the bonds so issued shall not exceed the amount of capital stock paid in by the stockholders of said company. Such bonds may be issued in sums of not less than five hundred dollars each, payable in twenty years from their date, with interest at the rate of six per cent., payable semi-annually.

Bonds to be approved.

SECT. 2. Such bonds shall be approved by a majority of the finance committee of said corporation, who shall certify that each of said bonds is properly issued and recorded upon the books of the corporation. All bonds and notes which shall be issued by said corporation shall be binding and collectable in law, notwithstanding such bonds or notes may be negotiated and sold by such corporation, or their agents, at less than par.

Security of bonds.

SECT. 3. Said bonds shall be secured by a conveyance of the corporate property to three trustees, by a suitable instrument to be prepared for that purpose, as a pledge or mortgage to secure the performance of the conditions of said bonds.

Sinking fund.

SECT. 4. The said corporation shall, semi-annually, pay to said trustees a sum equal to two per cent. per annum, on the amount of said bonds, for the purpose of creating a sinking fund. Said trustees shall have the care and management of all the moneys, funds and securities at any time belonging to said sinking fund; and they shall, from time to time, at their discretion, invest the moneys on hand securely, and so that they shall be productive, and the same may be invested in the bonds of the Dorchester Avenue Railroad Company, secured as aforesaid, or loaned on interest to any county, city, or town, or any bank of this Commonwealth, or the same may be loaned on interest, well secured by a first mortgage of real estate to an amount not exceeding one-half the value thereof, or by pledge of the scrip or stock of any of the New England States, or of any city, county, or town, as aforesaid, or of any bank incorporated by this Commonwealth; and the said fund, together with the accruing interest, shall constitute a sinking fund for the payment and redemption of said bonds.

Trustees to manage sinking fund.

SECT. 5. Said trustees shall make an annual return to the secretary of this Commonwealth, of the whole amount of bonds issued by said corporation and secured by mortgage as aforesaid, and the whole amount by them received, and the investments made thereof.

Trustees to make annual returns.

SECT. 6. In case of failure by the said corporation, in the performance of any of the conditions of said bonds, the trustees shall petition the supreme judicial court for leave to sell the property conveyed to them as aforesaid; and thereupon the same shall be sold in such way and manner as the court may order; and after the payment of all costs and expenses, there shall be paid into the sinking fund a sum which, added to the amount then on hand, shall equal the amount of said bonds, and any interest thereon due and unpaid, and the remainder thereof paid to said corporation.

In case of failure, &c., S. J. Court may order sale.

SECT. 7. The purchaser or purchasers at such sale, may associate themselves together, under any name by them assumed, for the purpose of managing said railroad, and they shall, together with their successors and assigns, be and remain a body corporate, under the name assumed by them; but, before they shall commence business, they shall make a certificate, setting forth their corporate name, the amount of capital actually paid in, and the par value of the shares; which certificate shall be signed and sworn to by the president, treasurer, and a majority of the directors of said company, published three times in two daily Boston papers, and filed with the secretary of the Commonwealth; and when so organized, they shall become a corporation, with like powers and privileges, and subject to all the duties and restrictions set forth in the act incorporating the Dorchester Avenue Railroad Company.

Purchasers may organize as a corporation, &c.

Certificate to be filed, &c.

SECT. 8. The supreme judicial court shall have full equity powers on all matters relating to this act, or the acts to which it is in addition.

Equity powers of S. J. Court.

SECT. 9. This act shall not take effect unless it shall be accepted by a majority of the stockholders of the aforesaid corporation, at a meeting called for that purpose. [*Approved by the Governor, June 4, 1856.*]

Act not to take effect, unless, &c.

**Chap. 280** AN ACT in addition to an Act to incorporate the Malden and Melrose Gas-Light Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May extend  
pipes, &c.

May open  
ground, lay  
pipes, &c.

Provide.

Provided, fur-  
ther.

Change of title.

SECT. 1. The Malden and Melrose Gas-Light Company may extend their pipes into Medford and West Cambridge, and build all necessary buildings in either of said towns ; and they shall have power and authority to open the ground in any part of the streets, lanes and highways, in said towns, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink, for the purposes aforesaid ; and the said company, after opening the ground in said streets, lanes, and highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance : *provided, however*, that the selectmen of said towns, respectively, for the time being, shall, at all times, have the power, in their respective towns, to regulate, restrict and control, the acts and doings of said company, which may in any manner affect the health, safety or convenience of the inhabitants of said towns ; and *provided, further*, that they shall not extend their pipes into Medford without first obtaining the written consent of the selectmen of said town.

SECT. 2. From and after the acceptance of this act, the Malden and Melrose Gas-Light Company shall be called and known as the Malden, Medford and Melrose Gas-Light Company.

SECT. 3. This act shall take effect from and after its passage. [Approved by the Governor, June 4, 1856.]

**Chap. 281** AN ACT to incorporate the General Charitable Society, of Newburyport.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Purpose.

Privileges, re-  
strictions, &c.

SECT. 1. Mary E. Dimmick, Margaret H. Andrews, Sarah J. Spalding, Mary C. Balch, their associates and successors, are hereby made a corporation by the name of the General Charitable Society, of Newburyport, for the purpose of taking, holding, investing and distributing such funds as they now have, or as may hereafter be given them, for the charitable and benevolent objects of their association ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation shall be empowered to hold real and personal estate to an amount not exceeding ten thousand dollars. Real and personal estate not to exceed \$10,000.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

AN ACT concerning Charles River and Warren Bridges.

Chap. 282

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. There shall be provided for Charles River Bridge and for Warren Bridge, a steady and discreet person for draw-tender. Draw-tenders appointed.

SECT. 2. Said draw-tenders shall have full control and direction (under the rules and directions of the agent or superintendent) of the passing of all vessels through said draws; they shall give all necessary advice, and furnish proper facilities for said passing; they shall allow no unnecessary detention, having due regard and caution for the public travel; they shall be ready, day and night, to open the draws; and the agent or superintendent shall have posted up, in some conspicuous place, for the inspection of all persons interested therein, a written or printed copy of his regulations, conforming to the provisions of this act. General duties.

SECT. 3. Every commander or master of a vessel applying to pass the draw, shall give the draw-tender a true report of his vessel's extreme breadth (when required so to do); he shall be governed by the draw-tender, as to the priority of right, when two or more vessels apply to pass at the same time; he shall so place his buoys, warping lines, anchors or cables, as neither to interfere with other vessels, or obstruct the bridge, except as he may be authorized by the draw-tender or agent; and vessels shall go to the right in passing up and down, according to the tide, if practicable, unless otherwise directed by the draw-tender. Regulations for passing the draw.

SECT. 4. Any person obstructing such draw-tender in the performance of his duty as prescribed by this act, or violating the provisions of this act, shall, upon conviction thereof, pay a fine of not less than three nor more than fifty dollars. Fine for obstructing draw-tender.

SECT. 5. Any person who shall break, deface or impair either of said bridges, wharves, or piers, or shall unnecessarily open or obstruct the draw, without the consent of such draw-tender, or shall, without the consent of such draw-tender, make fast or moor to such bridge, any scow, raft or Fine for injuring or obstructing bridge, &c.



other vessel, within wake of the draw, shall, upon conviction thereof, pay a fine of not less than three nor more than twenty dollars; and any city marshal or constable, within whose jurisdiction such obstruction may occur, shall have power, upon the complaint of such draw-tender, to remove the commander or master and remove such vessel at the owner's expense.

Vessels to pay  
damages, &c.

SECT. 6. If any vessel shall, through the negligence or carelessness of the master, or others having charge of such vessel, injure, or damage said bridge, wharf or pier, such vessel, her master and owners, shall pay for repairing such damage, with costs for collecting the same.

Penalty for wil-  
fully injuring,  
&c.

SECT. 7. If any person shall wilfully injure or damage said bridge, wharf or pier, or shall wilfully disturb or hinder the draw-tender in the discharge of his duties as aforesaid, he shall forfeit and pay for each offence, a penalty of not less than fifty, nor greater than one hundred dollars, to the use of the Commonwealth, to be recovered by indictment or information, in any court of competent jurisdiction, and such person, so offending, shall be further liable to answer in damages to the Commonwealth: *provided*, that nothing in this act shall be construed as intending to impair or affect the legal rights of any person whatever.

Proviso.

SECT. 8. This act shall take effect from and after its passage. [*Approved by the Governor, June 4, 1856.*]

### Chap. 283

#### AN ACT concerning the Essex Merrimac Bridge.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporation con-  
tinued 25 years.

SECT. 1. The proprietors of the Essex Merrimac Bridge, are hereby continued a corporation for the term of twenty-five years beyond the time now fixed by their charter, and the acts additional thereto, and shall be entitled to all the powers and privileges, and subjected to all the restrictions and liabilities, now set forth in their charter, and the acts additional thereto: *provided*, that the said proprietors shall, within eighteen months after the passage of this act, cause the following additions and alterations to be made to the said bridge, namely: the wooden part of the pier on the southerly side of the draw of said bridge, and adjoining thereto, shall be raised two feet higher than it now is, and the said proprietors shall construct and keep in good repair, during the whole time they may be authorized to receive toll, a new pier, to be connected to the aforesaid pier, extend-

Proviso.

ing easterly therefrom seventy feet, which pier shall be twenty-five feet wide on the top, and of the same height as the pier aforesaid, and shall be built in like manner as the piers of said bridge are now built, and suitable posts and rings shall be attached to said pier, for the accommodation of vessels passing through the draw of said bridge; also, the said proprietors shall place and maintain, during the term of their charter, two good buoys in the river on the easterly side of the said bridge, and three good buoys in the river on the westerly side of the said bridge, with sufficient chains and anchors for vessels to lie at securely while passing through the draw of said bridge; and they shall be placed in such locations as the branch pilots on the Merrimac River shall designate.

SECT. 2. The three hundred and sixtieth chapter of the acts of the year one thousand eight hundred and fifty-five, entitled "An Act concerning the Essex Merrimac Bridge," shall be void and of no effect, when the additions and alterations set forth in the first section of this act are completed, according to the provisions thereof. *[Approved by the Governor, June 4, 1856.]* Conditional repeal.

AN ACT in addition to the several Acts for the relief of Insolvent Debtors, and the more equal Distribution of their Effects. Chap. 284

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. There shall be, and there are, hereby established, courts of record, to be called courts of insolvency, one in and for each county in this Commonwealth; and there shall be appointed, commissioned and qualified, in the manner prescribed by the constitution, a suitable person learned in the law, to be judge for each of said courts, who shall hold his office during good behavior; and as vacancies shall occur, the same shall be filled in the manner prescribed by the constitution for appointing and commissioning judicial officers. Courts of insolvency established.  
Appointment of judges.

SECT. 2. Said judges shall have and exercise all the jurisdiction, power and authority that commissioners of insolvency now have and exercise under and by virtue of, the several acts to which this is in addition; and all the provisions in said acts contained, shall apply in like manner to said judges respectively, as they apply to judges of probate, masters in chancery, and commissioners of insolvency, except so far as said provisions, or any of them, may be by this act modified or repealed. Jurisdiction of judges.

Courts held in  
shire towns, &c.

SECT. 3. Each judge shall hold his court at the shire town or shire towns, of the county or counties, within his jurisdiction, at such times as he shall appoint; and each county shall provide a suitable court room in the shire town or shire towns thereof, for the use of said courts, and shall also provide a suitable fire-proof room, in which shall be kept all the records of said courts, and all the books, documents and papers appertaining to the business of said courts; also, all the records of insolvency, in all cases in insolvency now or heretofore pending in such county.

Judges may ap-  
prove bonds, &c.

SECT. 4. Said judges of insolvency respectively, may, in vacation, as well as at a stated court, and notwithstanding the absence of the register, approve compositions and assignees' bonds, and approve or order sales, receive petitions, issue orders of notice and warrants, and do such other official acts as are done as matters of course, and as do not require a previous notice to an adverse party.

In case of inabil-  
ity, judge of ad-  
joining county  
may hold court.

SECT. 5. If any of said judges shall, from sickness, absence, or other cause, be unable to perform the duties required of him, in any case arising within his jurisdiction, or shall be interested in any such case, the duties required of him shall, if such case shall arise in the county of Dukes County or Nantucket, be performed by the judge of the insolvency court of Barnstable County; and if such case shall arise in any other county than Dukes County or Nantucket, such duties shall be performed by the judge of the insolvency court of that adjoining county having the least number of inhabitants according to the next preceding decennial census. And the register of the court within whose jurisdiction such case shall arise, shall make upon the record of the case a certificate of such inability, upon its being made known to him, and shall forthwith transmit a certified copy of the same to the judge whose duty it is to act in the case, and who shall, during such inability, act in the case in the county in which the case shall arise.

Seal.

SECT. 6. The supreme judicial court shall establish a seal for said courts of insolvency, and all assignments, warrants, orders of notice and processes, issuing from the said courts of insolvency, shall be under said seal.

Judges may pun-  
ish for contempt,  
&c.

SECT. 7. Every judge of insolvency shall have power to keep order in his court, and punish any contempt of his authority, in like manner as such contempt might be punished by the court of common pleas, and may appoint any such officer or officers to attend upon said court, as may be needed for the transaction of the business thereof, and to aid in keeping order therein.

SECT. 8. All sheriffs, deputy-sheriffs, coroners and constables, shall serve and execute all decrees, warrants, orders and processes to them legally directed by any judge of insolvency. Duty of sheriffs, &c.

SECT. 9. Said several courts of insolvency shall have power to issue commissions, to take testimony, and to compel the attendance of witnesses, and the giving of testimony, in the like manner and to the like extent as the court of common pleas has. Same powers as C. C. Pleas.

SECT. 10. The said judges shall, from time to time, make rules, in writing, for regulating the practice and conducting the business of said courts, in all cases not provided for by law. And they shall, within six months from the time this act shall take effect, return a statement in writing, of the rules and course of proceeding made and adopted by them, or a majority of them, to the supreme judicial court, and they shall make a like return of all their rules thereafter made and adopted as aforesaid, as soon as conveniently may be, after making and adopting the same; and the supreme judicial court shall have power to alter and amend all such rules, and to make other and further rules, from time to time, for regulating the proceedings in all said courts, as they shall judge necessary, in order to introduce and maintain regularity and uniformity in said proceedings. Rules of court.

SECT. 11. Each judge of insolvency shall appoint, temporarily, a suitable person to be register of insolvency, in all cases arising within the jurisdiction of said judge; and said register shall hold his office, until a register is duly chosen and qualified; and at the annual election to be holden in November next, a register of insolvency shall be elected in and for each of the several counties in this Commonwealth, for the same term of years and in the same manner as is now provided by law for the election of clerks of courts. Appointment, &c., of registers.

SECT. 12. Every register of insolvency shall, before entering upon his office, make oath that he will faithfully discharge the duties thereof, and that he will not, during his continuance in office, directly or indirectly, be interested in, or benefited by, the fees or emoluments arising from any suit or matter pending in the court of which he is register, and such oath being subscribed by such register shall be filed in said court; and he shall also give bond to the treasurer of the Commonwealth, in a sum not less than five hundred dollars, and not exceeding five thousand dollars, as shall be ordered by the judge, with one or more sureties, to be approved by said judge, with condition for the faithful discharge of the duties of his office. To make oath, and give bond.

Duties and powers of register.

SECT. 13. Said register shall record, in books to be kept for that purpose, all the proceedings at the meetings of creditors, and all decrees and orders of said court, all warrants, assignments, returns, certificates of discharge, and all such other acts and proceedings as he shall, by the rules of the court, or by any special order of the judge, be required to record. Said register shall also make and keep a docket of all cases pending in said court, and of the proceedings therein, with an alphabetical index thereto. He shall also have the care and custody of all the books, documents and papers appertaining to said court, and filed or deposited therein, and shall carefully preserve the same to be delivered to his successor; and he shall also perform such other duties appertaining to his office as shall be prescribed by the judge. All said books, records, documents and papers, and said docket, shall be at all reasonable times open to the inspection of the public. Said register shall also make all computations of dividends, and make out all orders of distribution, and shall furnish to the assignees a certified copy of such orders, and also of all schedules of creditors, and of assets filed in each case. He shall also have power, in case of the absence of the judge, to adjourn any court or meeting.

Temporary register.

SECT. 14. In case of the death or absence of the register, the judge shall appoint some other suitable person as register until the standing register shall be able to perform his duty, or until another standing register shall be appointed and qualified. Every person so appointed temporary register shall be sworn before the judge appointing him, to the faithful performance of the duties of his office, and so long as he shall perform said duties he shall be entitled to the same compensation therefor as if he had been the standing register; and such compensation shall be paid by the standing register when his absence is the cause of appointing a temporary register: *provided*, such standing register shall again enter upon the discharge of the duties of his office.

Compensation.

Proviso.

Temporary appointments to be recorded.

SECT. 15. The appointment of such temporary register, and the certificate of the oath of office administered to him, shall in every case be recorded with the other proceedings whenever such appointment shall be made.

Judge not to be of counsel.

SECT. 16. No judge of insolvency shall be retained or employed as counsel or attorney, either in or out of court, in any suit or matter whatsoever, which may depend upon, or in any way relate to, any decision, warrant, order or decree made or passed by him, or to any proceedings in his

court, nor shall he be of counsel or attorney for or against any debtor, creditor or assignee, in any cause or matter which may come before him, or which may arise or grow out of, or be in any way connected with any proceedings before him, or in any appeal in any such cause or matter. And every judge of insolvency, before entering upon his office shall, in addition to his oath of office, make oath that he will not, during his continuance in office, be directly or indirectly interested in, or benefited by, the fees or emoluments arising in any matter pending in the court of which he is judge; and such oath being subscribed by said judge shall be filed in the court of insolvency.

SECT. 17. No register shall be of counsel or attorney, Register not to be of counsel. either in or out of court, in any suit or matter whatsoever, pending in the court of which he is register, or in any appeal therefrom, nor shall he be assignee in any case pending in said court, nor in any manner interested in the fees or emoluments arising from said office of assignee, or from any matter or proceeding in said court.

SECT. 18. The several judges of insolvency shall receive Salaries of judges. for their services an annual salary as specified in the following table, to wit:—

The judge of insolvency for the county of Suffolk, the sum of three thousand dollars.

The judge of insolvency for the county of Middlesex, the sum of two thousand dollars.

The judge of insolvency for the county of Worcester, the sum of eighteen hundred dollars.

The judge of insolvency for the county of Essex, the sum of seventeen hundred dollars.

The judge of insolvency for the county of Norfolk, the sum of fifteen hundred dollars.

The judges of insolvency for the counties of Berkshire, Bristol and Plymouth, the sum of one thousand dollars each.

The judges of insolvency for the counties of Hampshire and Hampden, the sum of eight hundred dollars each.

The judge of insolvency for the county of Franklin, the sum of five hundred dollars.

The judge of insolvency for the county of Barnstable, the sum of four hundred dollars.

The judge of insolvency for the county of Dukes County, the sum of one hundred and fifty dollars.

The judge of insolvency for the county of Nantucket, the sum of one hundred and fifty dollars.

SECT. 19. The several registers of the insolvency courts Salaries of registers. shall receive for their services an annual salary as specified in the following table, to wit:—

The register of the insolvency court for the county of Suffolk, the sum of three thousand dollars.

The register of the insolvency court for the county of Middlesex, the sum of fourteen hundred dollars.

The register of the insolvency court for the county of Worcester, the sum of twelve hundred dollars.

The register of the insolvency court for the county of Essex, the sum of eleven hundred dollars.

The register of the insolvency court for the county of Norfolk, the sum of one thousand dollars.

The registers of the insolvency courts for the counties of Berkshire, Bristol and Plymouth, the sum of eight hundred dollars each.

The registers of the insolvency courts for the counties of Hampshire and Hampden, the sum of five hundred dollars each.

The register of the insolvency court for the county of Franklin, the sum four hundred dollars.

The register of the insolvency court for the county of Barnstable, the sum of three hundred and fifty dollars.

The register of the insolvency court for the county of Dukes County, the sum of seventy-five dollars.

The register of the insolvency court for the county of Nantucket, the sum of seventy-five dollars.

**Paid quarterly.**

SECT. 20. The said salaries shall be paid in quarterly payments out of the treasury of the Commonwealth, on the first days of January, April, July and October in every year, and in the same proportion for any part of a year.

**No additional fees.**

SECT. 21. No judge of insolvency or register of insolvency shall receive any fee or compensation in addition to the salaries above provided, for any thing done by them respectively, in their official capacities, except as hereinafter provided.

**Fees for copies.**

SECT. 22. The register of insolvency shall, for all copies which he shall make of any orders for distribution and schedules, in addition to those required by law, and for all copies of any other papers, be paid by the person demanding the same, at the rate of fourteen cents per page, and no more.

**Commonwealth to pay expenses.**

SECT. 23. All expenses attending the sessions of said courts, and the transaction of business therein, and all expenses for blank books for said records, and for blank forms and stationery necessary for the transaction of the business of said courts, shall be paid out of the treasury of the Commonwealth.

**Fees for warrant, &c**

SECT. 24. In each case in insolvency there shall be allowed and paid the fees in the following table set forth, and none other, to wit:—

For issuing the warrant on the original petition, five dollars :

For each day on which any meeting in said case shall be held, seven dollars :

For each order for dividend, five dollars :

Which fees shall have priority of payment over all other claims out of the estate and effects of the debtor ; and if there shall not be sufficient assets in the case for the payment thereof, the person upon whose petition the warrant is issued shall pay the same, and the court shall have the power to issue an execution against such petitioner to compel the payment thereof to the standing register ; and before the issuing of any warrant such petitioner shall deposit with such register, or with the judge, to be delivered to such register, forty dollars, as security for the payment of said fees. Said standing register shall receive all said fees, and shall account for and pay over the same to the treasurer of the Commonwealth quarter yearly, on the first Monday of January, April, July and October, in each year.

SECT. 25. If any debtor hereafter being insolvent, or in contemplation of insolvency, shall, within six months before the filing of the petition by or against him, make any payment with a view, directly or indirectly, to give a preference to any preëxisting creditor, or to any person having any preëxisting claim or demand against such debtor, or to any person who is or may be liable as endorser, guarantor or surety for such debtor, such payment shall, as to the other creditors, be void, and the assignees may recover from the person so preferred, the money so paid, with interest: *pro-* Certain payments void. *vided*, such person, when accepting such preference, had reasonable cause to believe such debtor insolvent. And any such payment shall be sufficient cause for proceeding against the debtor in the manner, and for the purposes mentioned in the act of one thousand eight hundred and forty-four, chapter one hundred and seventy-eight, section nine: *pro-* Provide. *vided*, that such debtor had, at the time of giving such preference, reasonable cause to believe himself insolvent. The provisions of this section shall not apply to any payment not exceeding twenty-five dollars in amount, upon any debt contracted for necessities furnished to the debtor or his family.

SECT. 26. If any debtor, hereafter being insolvent, or in contemplation of insolvency, shall, within six months before the filing of the petition by or against him, make or give any mortgage, pledge, assignment, transfer or conveyance of any money or other property belonging to him, to secure Certain mortgages, &c., void.



any person who is or may be liable as endorser, guarantor, surety, or otherwise liable for such debtor, with a view to give a preference, directly or indirectly, to any other endorser, guarantor or surety, or any preëxisting creditor, whether by passing, assigning, transferring or delivering to or for him, the note, bill of exchange, obligation or contract upon which such person shall be so liable for such debtor, or by enabling him to avail himself in any other manner, directly or indirectly, of the benefit of such liability, such mortgage, pledge, assignment, transfer or conveyance, shall be void as to the other creditors of such debtor, and the assignees may recover the full value of the property so mortgaged, pledged, transferred, assigned or conveyed, or the property itself, from the person to whom such mortgage, pledge, assignment, transfer or conveyance shall be made: *provided*, he shall, when receiving such mortgage, pledge, assignment, transfer or conveyance, have reasonable cause to believe such debtor was then insolvent, and intended to prefer; or the value of such property from the person so preferred: *provided*, that when accepting such preference he had reasonable cause to believe such debtor insolvent.

Proviso.

Certain assignments of property, &c., void.

SECT. 27. If any person hereafter being insolvent, or in contemplation of insolvency, shall, within six months before the filing of the petition by or against him, make any sale, assignment, transfer or conveyance, either absolute or conditional, of any of his property, to any person who then has reasonable cause to believe such debtor insolvent, or in contemplation of insolvency, and that such sale, assignment, transfer or conveyance is made with a view to prevent the property so sold, assigned, transferred or conveyed, from coming to the assignees, or to prevent the same being distributed according to the insolvent laws, or to defeat the object of, or in any way impair, hinder, impede or delay the operation or effect of, or to evade any of said laws, such sale, assignment, transfer or conveyance, shall be void, and the assignees may recover the property so sold, assigned, transferred or conveyed, or the value thereof, as assets of said insolvency. And the fact of such sale, assignment, transfer or conveyance not being made in the usual or ordinary course of business of the debtor, shall be *prima facie* evidence of such cause of belief.

Certain drafts, &c., assigned, not to be offset, &c.

SECT. 28. No draft, bill of exchange, promissory note, claim, demand, or cause of action, which shall hereafter, within six months before the filing of the petition by or against any insolvent debtor, be assigned, transferred, conveyed or delivered to any person who is or may be indebted,

or in any way liable to such insolvent debtor, shall be offset, or pleadable in defence, or in bar to any suit by the assignees to recover such debt or liability, but such assignees may recover the same, notwithstanding such draft, bill of exchange, promissory note, claim, demand or cause of action: *provided*, the person to whom the same shall be assigned, transferred, conveyed or delivered, as aforesaid, shall, at the time of such assignment, transfer, conveyance or delivery, have reasonable cause to believe such debtor insolvent. Proviso.

SECT. 29. In order to maintain proceedings against any debtor in manner and for the purposes set forth in the statute of one thousand eight hundred and forty-four, chapter one hundred and seventy-eight, section nine, for making any fraudulent payment, conveyance or transfer of his property, or any part thereof, it shall not be necessary to prove fraud on the part of the person receiving such payment, transfer or conveyance, or that he had reasonable cause to believe the debtor insolvent. Proof necessary to maintain proceedings, &c.

SECT. 30. If hereafter any insolvent debtor, after notice of the filing of the petition by or against him, shall secrete or conceal any property belonging to his estate, or any books, deeds, documents or writings relating thereto, or shall remove, or cause to be removed, the same, or any part thereof, out of the Commonwealth, or otherwise dispose of the same, or any part thereof, with a view to prevent the same, or any part thereof, from coming to the hands or possession of the messenger or assignees, or to hinder, impede or delay the messenger or assignees in the recovering or receiving the same; or shall make any payment, gift, sale, assignment or conveyance of any property belonging to his estate; or shall spend the same, or any part thereof, in gaming, or otherwise spend the same, except such parts thereof as may reasonably be expended for the support of himself and his family, not exceeding the amount allowable by law, he shall be deemed guilty of a misdemeanor, and being convicted thereof, shall be punished by imprisonment in the state prison for a term not exceeding five years, or in the county jail for a term not exceeding two years. Debtor to be deemed guilty of misdemeanor in certain cases.

SECT. 31. No discharge of any debtor under the insolvent laws, shall be granted or valid, if such debtor hereafter shall have destroyed, altered, mutilated or falsified any of his books, documents, papers, writings or securities, or made, or been privy to the making, of any false or fraudulent entry in any book of account, or other document, with intent to defraud his creditors, or shall have removed himself, or Discharge forfeited by certain proceedings in fraud of creditors.

removed, or caused to be removed, his property, or any part thereof, from the Commonwealth, with intent to defraud his creditors, or shall make any fraudulent payment, gift, transfer, conveyance or assignment of his property, or any part thereof, or shall spend the same, or any part thereof, in gaming; or, being a merchant or tradesman, shall not, after the passage of this act, have kept proper books of account; or if any person having proved a false debt against the debtor's estate, said debtor being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his assignees within one month after such knowledge; or unless the debtor shall satisfy the court that he had reasonable cause to believe himself solvent within six months next preceding the filing the petition by or against him.

Claims, in certain cases, not to be allowed.

SECT. 32. No person who shall have hereafter accepted any preference, having reasonable cause to believe that the same was made or given by the debtor contrary to any of the provisions of the insolvent laws, shall be allowed to prove the debt or claim on account of which such preference was made or given, nor to receive any dividend therefor out of the debtor's estate.

Certain claims may be postponed.

SECT. 33. Whenever any claim shall be presented for proof, before the election of the assignees, and the judge or commissioner shall entertain doubts of the validity of such claim, or of the right of the creditor to prove the same, and shall be of opinion that the validity thereof, or right of the creditor, ought to be investigated by the assignees, he shall have power to postpone the proof of such claim till after the election of the assignees.

Certain creditors not eligible as assignees, &c.

SECT. 34. No person who shall have had or received any preference, contrary to the provisions of the insolvent laws, shall be eligible as assignee, or shall be allowed to vote upon the choice of assignees of the estate of any insolvent debtor: *provided, however*, that no title to any property, real or personal, which shall have been sold, transferred or conveyed by any assignee, shall be affected or impaired by reason of the ineligibility of such assignee.

Proviso.

Additional oath of creditor.

SECT. 35. There shall be added to the creditor's oath, now required to be taken in proof of his claim against the estate of the insolvent debtor, in substance, the following, to wit:—"And I do further swear that I have not, directly or indirectly, made or entered into any bargain, arrangement or agreement, express or implied, to sell, transfer or dispose of my claim, or any part of my claim, against said debtor, nor have, directly or indirectly, received or taken, or made or entered into any bargain, arrangement or agreement,

express or implied, to take or receive, directly or indirectly, any money, property, or consideration whatsoever, to myself, or to any person or persons to my use or benefit, under or with any understanding or agreement, express or implied, whereby my vote for assignees, or my assent to the debtor's discharge is, or shall be, in any way affected, influenced or controlled, or whereby the proceedings in this case are, or shall be affected, influenced or controlled." No debt shall be proved or allowed against any insolvent estate, unless all the facts set forth in the creditor's oath shall be true.

SECT. 36. Whenever complaint shall be made on oath, by the messenger or assignees, to any judge of insolvency, stating that there is reason to suspect and believe, and that the complainant does suspect and believe, that any personal property, or any books, deeds, documents, securities, papers or writings, belonging to the estate of any insolvent debtor, are secreted or concealed in any particular house, premises or other place, such judge is hereby authorized and directed, if he shall be satisfied that there is reasonable cause for such belief, to grant a warrant to the messenger or assignees to search for such property, books, deeds, documents, securities, papers or writings, and it shall be lawful for such messenger or assignees to execute said warrant in like manner; and such messenger or assignees shall be entitled to the same protection, as is allowed by law in the execution of a search warrant for property reputed to be stolen and concealed. Judge may grant search warrant, &c.

SECT. 37. No warrant against any copartnership shall be issued upon the petition of less than all the copartners, unless reasonable notice shall first be given by the court, to the other partner or partners, if within the Commonwealth, of the pendency of such petition, so that he or they may show cause, if any, why the prayer of the petition should not be granted. Warrant against copartners, &c.

SECT. 38. In all matters in insolvency that are contested, either before a court of insolvency or in the supreme judicial court, said respective courts may, in their discretion, award costs to either party, to be paid by the other, or to either or both parties, to be paid out of the estate which is the subject in controversy, as justice and equity may require. Award of costs.

SECT. 39. When costs are awarded to one party, to be paid by the other, the said courts respectively, may issue execution therefor, in like manner as practised in courts of common law. Execution for costs.

SECT. 40. This act shall not affect any case in insolvency now commenced, or that shall hereafter be commenced Not to affect pending actions.

before this act shall take effect; and the judge of probate, master in chancery, or commissioner before whom any such cases may be pending at the time this act shall take effect, shall have the same jurisdiction, power and authority in respect to them, as they now have.

Repeal of certain provisions.

SECT. 41. So much of the several acts to which this is in addition, as gives jurisdiction to judges of probate, masters in chancery, and commissioners of insolvency, and all other provisions in said several acts inconsistent with the provisions of this act, are hereby repealed.

When to take effect.

SECT. 42. This act shall take effect thirty days from the time of its passage, except as to that part providing for the appointing, commissioning and qualifying the judges of said courts, which part shall take effect on the passage hereof. [Approved by the Governor, June 6, 1856.]

### Chap. 285

AN ACT to protect the Fishery in the Town of Edgartown.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Seine fishing prohibited from April to October.

SECT. 1. No person shall set, draw or stretch, any seine or net of any kind, within one mile from the shore of any of the ponds, creeks, bays, harbors or inlets of the sea within the limits of the town of Edgartown, excepting in a pond known by the name of the Oyster Pond, from the first day of April to the first day of October, inclusive, in each year; nor shall any person, not an inhabitant of said town, at any time, set, drag or stretch any seine or net in any of the ponds, creeks or outlets thereof. The seining of menhaden and mackerel is exempted from this act.

Penalty and seizure.

SECT. 2. Any person violating any provision of this act, shall be liable to a fine not exceeding three hundred dollars for each offence; or any boat, vessel or fishing apparatus, used by persons in violating the provisions of this act, may be seized and detained, not exceeding the time of forty-eight hours, by any person appointed for the purpose by the town of Edgartown, for the purpose of duly prosecuting the person offending this law.

Town to choose fish wardens.

SECT. 3. The town of Edgartown is hereby authorized to choose, at the annual town meeting, or at any meeting duly warned for that purpose, such number of fish wardens as may at the time be thought necessary, who shall be sworn to the faithful discharge of their duty, whose duty it shall be to prosecute for offences against the provisions of this act; one-half of all fines imposed and collected shall inure

Their duty.

to the fish wardens, and the other half to the Commonwealth.

SECT. 4. All fines or penalties for violating any provision of this act, with costs, may be sued for and recovered in any court competent to try the same, on complaint of either of the fish wardens. Fines, how recovered.

SECT. 5. This act shall take effect from and after its passage. [*Approved by the Governor, June 6, 1856.*]

AN ACT in addition to an Act to establish the District of Marshpee.

*Chap. 286*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. No person, not a proprietor of the district of Marshpee in his own right, shall be qualified to vote in the elections and other affairs thereof, in right of his wife being a proprietor, except as hereinafter provided. Voters in Marshpee.

SECT. 2. Any person not a proprietor in his own right, and being the husband of a female proprietor, may, at any time not less than thirty days previous to the annual election, make application to the selectmen of the district to be admitted to the franchise; the selectmen shall, thereupon, insert his name in the warrant calling such meeting, and his application shall then be voted and decided upon by the proprietors; and if he shall be admitted by the votes of said proprietors, he shall have and enjoy all the rights of proprietorship: *provided*, that the said applicant shall have resided in the district for at least five years before he shall be so admitted. Non-proprietors, how admitted.

SECT. 3. Whenever a vacancy shall occur in the office of treasurer of the district of Marshpee, the proprietors of said district, entitled to vote, shall, in a district meeting called for that purpose, and notified not less than one fortnight beforehand, elect and recommend a suitable person to be appointed treasurer by the governor and council, under the one hundred and eighty-sixth chapter of the acts of eighteen hundred and fifty-three, entitled "An Act to abolish the office of Commissioner of Marshpee," and a copy of the record of the vote, making such election and recommendation, shall be submitted to the governor and council; and the person so elected and recommended, shall be appointed as treasurer of said district, unless, in the judgment of the governor and council, such appointment shall be unsuitable, in which case the office shall be filled in the manner now provided by law. Vacancy of treasurer, how filled.

Act not to apply,  
&c.

When to take  
effect.

SECT. 4. The first and second sections of this act shall not be construed to apply to any inhabitants of said district who may have been entitled to vote at the last annual district election; neither shall this act take effect, unless it shall be adopted by a majority of votes, at a district meeting called for that purpose, and notified at least sixty days beforehand, or at the next annual district meeting—a majority of the proprietors, entitled to vote, being present at such meeting. [Approved by the Governor, June 6, 1856.]

### Chap. 287

AN ACT to incorporate the Bowdoin Mutual Fire Insurance Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators

Name.

Duration.  
Purpose.

Privileges, re-  
strictions, &c.

SECT. 1. Joseph L. Drew, Isaac T. Campbell, Christopher C. Barney, their associates and successors, are hereby made a corporation by the name of the Bowdoin Mutual Fire Insurance Company, to be located in the city of Boston, and established for twenty-eight years, for the purpose of making insurance upon any buildings, stocks, tools, machinery, merchandise, or any property whatever, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-seventh and forty-fourth chapters of the Revised Statutes, and all other laws of this Commonwealth, made, or to be made, relating to mutual insurance companies.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, June 6, 1856.]

### Chap. 288

AN ACT authorizing the Towns of Truro and Provincetown to construct a Bridge over East Harbor.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Bridge in Truro  
and Provincetown.

SECT. 1. The selectmen of the towns of Truro and Provincetown are hereby authorized and empowered to construct or rebuild a bridge over East Harbor, so called, in the towns of Truro and Provincetown aforesaid, within two years from the passage of this act; and said towns, or either of them, shall not be liable to indictment, if said bridge is completed within that time.

SECT. 2. This act shall take effect from and after its passage. [Approved by the Governor, June 6, 1856.]

## AN ACT for the preservation of Fish in the Merrimac River.

## Chap. 289

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Essex Company shall, before the first day of February which will be in the year one thousand eight hundred and fifty-seven, make, and forever thereafter maintain in or around their dam in Lawrence, a suitable and sufficient fishway for the usual and unobstructed passage of fish during the months of April, May, June, September and October, in every year, under a penalty of not less than one hundred dollars nor more than five hundred dollars, for every day said company shall neglect to make and maintain such fishway after said first day of February, to be recovered by indictment in either county of Essex or Middlesex, one-half to the use of the complainant and one-half to the use of the Commonwealth. Fishway to be maintained.

SECT. 2. No person shall take any fish with a spear, net, hook or seine, during either of the months aforesaid, in any year, within eighty rods of said dam or the entrance of said fishway. Penalty for neglect.

SECT. 3. Every person offending against the provisions of the preceding section shall be punished by fine not exceeding one hundred dollars for each offence, one-half of which shall inure to the use of the complainant and the other half to the use of the Commonwealth. Restrictions on fishing.

SECT. 4. All acts or parts of acts, inconsistent herewith, are hereby repealed. [Approved by the Governor, June 6, 1856.] Penalty for violating.

## AN ACT concerning the Cambridge Water Works.

## Chap. 290

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Cambridge Water Works are hereby authorized, for the purpose of furnishing the inhabitants of Cambridge with a supply of soft water, to raise the waters of Fresh Pond by steam-power into a receiving reservoir, and conducting the same by pipes from thence through the city of Cambridge: *provided, however*, that they shall not, at any time, draw the waters of said pond, or of Spy and Little Ponds, below low-water mark of said ponds. May draw water from Fresh Pond.

SECT. 2. Said Cambridge Water Works may construct a dam at the outlet of Fresh Pond, at some convenient place near the Concord Avenue, and also a dam on the outlets of May construct dams.



**Proviso.** Spy and Little Ponds, at some convenient place on the same, near the place where said streams pass under the Lexington Branch Railroad: *provided, however*, that they shall not, at any time, raise the waters of Fresh, Spy or Little Ponds, by means of said dams, so that they shall rise above high-water mark of said ponds.

**Commissioner to be appointed upon application, &c.** SECT. 3. A commissioner shall be nominated by the governor and council, on application of said Cambridge Water Works, or of any party in interest, who shall, at the cost and expense of said water works, after notice to all parties in interest, ascertain the points between which the waters of said ponds and said brooks rise and fall, and shall erect permanent monuments showing the same, and shall make a full report of all his doings to the governor and council.

**May lay pipes, build aqueducts, &c.** SECT. 4. The said Cambridge Water Works may lay pipes, build and maintain aqueducts and reservoirs, for conducting, holding and distributing water, may erect and maintain engine-houses, and may construct and maintain any other works necessary for the carrying on the purposes for which they are chartered.

**May take, hold and convey lands, &c.** SECT. 5. For the purposes aforesaid, the Cambridge Water Works may take, hold and convey, land, water and water-rights: *provided, however*, that before entering upon the lands and water-rights, or taking any water of any person or corporation, they shall file their petition before the supreme judicial court for the county of Suffolk, praying for the appointment of three commissioners, to assess the damages, if any, caused by taking land, water or water-rights; and such commissioners shall have full power, after due notice to each party, to assess the damages, if any, which shall be paid by said Cambridge Water Works, and their determination, or that of the major part of them, being returned into and accepted by said court, shall be final and binding upon both parties, and judgment shall be rendered thereon, unless one of the said parties shall claim a trial by jury, as is hereinafter provided.

**Commissioners to assess damages.** SECT. 6. In case either party shall claim a jury trial, as provided in the last section, such party may, at the term at which such award is accepted, or the next term thereafter, claim, in writing, a trial at the bar of said court, and have a jury to hear and determine all questions of fact relating to such damages, and to assess the amount thereof; and in case a greater sum is not awarded than that allowed by said commissioners, such party shall pay the costs in the petition, and the verdict of such jury being accepted and recorded by said court, shall be final and conclusive, and judgment shall be rendered thereon.

**Either party may claim trial by jury.**

**Costs.**  
**Verdict to be final.**

SECT. 7. Whenever judgment shall have been rendered for any damages assessed, as before provided, the said Cambridge Water Works shall thereupon pay to the clerk of the court the amount of said judgment, with interest thereon, together with the costs of court taxed by the clerk, which sum shall be in full satisfaction of said judgment; and until it is satisfied, as aforesaid, said Cambridge Water Works shall have no right to enter upon said land, water or water-rights.

Judgment to be satisfied before entering upon lands, &c.

SECT. 8. The said Cambridge Water Works shall keep open a good and sufficient way, for the passage of the fish that usually go up into Fresh, Spy and Little Ponds, in their usual and proper season in the year, between the first day of March and last day of June, inclusive: *provided*, such fishway need not be kept open in the spring of the year, before the persons having a right of fishing in said streams, or some one of them, shall have notified the water works to open them. And said water works, if they do not comply with the provisions of this section, shall forfeit and pay the sum of five hundred dollars for each and every day during which they shall wilfully neglect to comply therewith, to be recovered in an action of tort, to the use of any person or persons who shall suffer therefrom, who shall sue for the same in any court of competent jurisdiction.

Fishway to be kept open.

Proviso.

Penalty.

SECT. 9. The occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement, and the owner thereof shall be also liable if, on being notified of such use, he does not object thereto; and if any person or persons shall use any of said water raised as aforesaid, in the city of Cambridge, without the consent of said water works, an action of tort may be maintained against him for the recovery of damages therefor.

Liability for water rent.

SECT. 10. If any person or persons shall, wantonly or maliciously, divert the water or any part thereof, of any of the ponds, streams or water sources, which shall be used by the Cambridge Water Works, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, reservoir, pipe, hydrant, building, machinery, or other property held, owned, or used by said Cambridge Water Works, by the authority and for the purposes for which they are chartered, every such person or persons shall forfeit and pay to said water works, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action,—and every such person or persons may, moreover, on indictment and conviction of either of the wanton and malicious acts aforesaid, be

Penalty for diverting water, &c.

Proviso.

punished by fine not exceeding five hundred dollars, and imprisonment not exceeding three months: *provided*, that nothing in this section contained, shall be construed to prevent the abutters on said pond, from entering upon said pond during the winter season, for the purpose of cutting ice, with men and horses, and the proper implements for preparing and cutting the said ice, and securing the same in the manner heretofore practised.

Not to affect pending suits.

SECT. 11. Nothing in this act contained shall be construed to affect, in any manner, the rights of any party or parties to any suit or proceeding in law or equity, now pending.

When and how to take effect.

SECT. 12. This act shall not take effect unless the legal voters of the city of Cambridge, at a meeting notified for that purpose, at least thirty days before the day appointed for such meeting, shall, by a majority of the votes cast at such meeting, agree to accept the same. [*Approved by the Governor, June 6, 1856.*]

Chap. 291 AN ACT to authorize the Commissioners of the County of Bristol to borrow Money either to repair or to build a House of Correction.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

May borrow \$60,000.

SECT. 1. The county commissioners for the county of Bristol are hereby authorized and empowered to borrow, on the credit of said county, in addition to the amount of debt they are now authorized to contract, a sum not exceeding sixty thousand dollars, the same to be expended by the said commissioners, or their successors in office, either in repairing and enlarging the present house of correction, or in erecting a new one, as they in their judgment shall deem best.

Former act repealed.

SECT. 2. Chapter two hundred and nineteen of the statutes of the year eighteen hundred and fifty-five, is hereby repealed.

When to take effect.

SECT. 3. This act shall not take effect until after the next election of a county commissioner for said county. [*Approved by the Governor, June 6, 1856.*]

## AN ACT concerning the Indexing of Deeds.

## Chap. 292

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Whenever any deeds or other conveyances by executors, administrators, guardians, or persons acting under or by authority of an order of any court of competent jurisdiction, or of a resolve of the general court, shall be left for record at any of the registries of deeds in this Commonwealth, it shall be the duty of the register to enter in the entry books and indexes of the grantors, the names of the testators, intestates, wards and persons whose estates are conveyed, when the same shall appear by such deeds, and also, the names of such executors, administrators, and guardians. And whenever any decree for the partition of land or commissioner's return thereon, shall be so left for record, it shall be the duty of the register to enter the names of all the persons whose estates shall plainly appear to be affected thereby, in the entry books, and in the indexes of the grantors and of the grantees.

Deeds of executors, &c., how to be indexed.

SECT. 2. The county commissioners in each county shall hereafter procure, at the charge of their respective counties, a copy, to be made by some competent person or persons, within the first six months of each and every year, of the indexes in the registries of deeds in their respective counties, for the preceding year, in which the grantors and grantees shall respectively be assorted into distinct lists by their respective surnames, arranged in such lists in the order in which the deeds and other conveyances to which they refer are left for record, and such lists placed in alphabetical order. Such copies shall, in other respects, be in the form now required by law for the indexes to the records. And the county commissioners in each county, shall so procure such copies of the indexes in their respective counties for the year one thousand eight hundred and fifty-five, to be made and completed by the first day of January next.

County commissioners to procure indexes annually, hereafter

SECT. 3. The county commissioners of each county, and the mayor and aldermen of the city of Boston, shall have power, whenever they shall deem it expedient, to cause copies of the indexes, or new indexes, to the records now existing in the registries of deeds in their respective counties, or of any part thereof, to be made by some competent person or persons, at the charge of their respective counties, upon the plan hereinbefore provided, or upon such plan, and in such manner, as will, in their judgment, best facilitate references to the records.

May cause index to records now existing, to be prepared.

May be printed.

SECT. 4. The county commissioners in each county, and the mayor and aldermen of the city of Boston, shall have power, if they shall deem it expedient, to cause such copies of the indexes, or new indexes herein before provided and authorized to be made, to be printed at the charge of their respective counties, for sale at a price which shall not be less than the cost of printing, and paper and binding.

SECT. 5. This act shall take effect from and after its passage. [Approved by the Governor, June 6, 1856.]

**Chap. 293**

AN ACT concerning the Harbor of Boston, Mystic River and Dorchester Bay.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Limits of wharf and pier lines.

SECT. 1. The lines hereinafter described shall be, and the same hereby are, established as lines, beyond which no wharf or pier shall ever hereafter be extended into and over the tide-waters of the Commonwealth.

Lines in South Bay.

SECT. 2. The lines in South Bay begin at a point denoted by letter A, on plan number two, of the harbor commissioners of eighteen hundred and fifty-four, and is in the mouth of Roxbury Canal, distant one hundred and thirty feet south-eastwardly from the twelfth line of the commissioners of eighteen hundred and forty-seven, measuring in the direction of a line drawn from a point in the said twelfth line, distant one hundred and twenty feet north-eastwardly from the south-westerly termination thereof, (the said termination being understood to be a point distant one thousand feet from the south-easterly line of Harrison Avenue, measuring at right angles with the said south-easterly line from a point therein lying in the direction of the south-westerly line of the South Burying Ground extended, south-eastwardly,) to a point on the south-easterly rail of the Boston and New York Central Railroad Bridge, distant twenty-six hundred and twenty-eight feet south-westwardly from the south-westerly rail of the Old Colony Railroad Bridge, near Dorchester Avenue, measuring on the said south-easterly rail; thence running south-eastwardly thirteen hundred feet, in the same direction as the line of one hundred and thirty feet above described, to the point B, said point being at or near the northerly end of F. A. Heath and Company's sea-wall; thence south-eastwardly straight to the point C, on the most north-easterly corner of said Heath and Company's wharf; thence along the present line of said wharf to the point D, on the most south-easterly corner of the same;

thence in the direction of a line drawn from the last mentioned corner to a point on the south-easterly rail of the said Boston and New York Central Railroad Bridge, which point is distant forty-nine hundred and eighty-seven feet south-westwardly from the south-westerly rail of the Old Colony Railroad Bridge, above mentioned, measuring on the said south-westerly rail, to the point E, which is situated at the intersection of this line with a line crossing the aforesaid Boston and New York Central Railroad Bridge, and passing through a point on the south-easterly rail of the same, distant forty-six hundred and seventy-two feet south-westwardly from the south-westerly rail of the Old Colony Railroad Bridge, above mentioned, measuring on the said south-easterly rail and making an angle of seventy-eight degrees and forty-five minutes, (taken from a north-easterly to an easterly direction,) with the said Boston and New York Central Railroad Bridge; thence eastwardly in the direction of the line last described, eleven hundred and seventy feet, to the point F; thence northwardly to the point G, it being the southerly termination of the tenth line of the commissioners of eighteen hundred and forty-seven: *provided*, that nothing contained in this act shall affect or take away the legal rights of any person, unless a reasonable compensation shall have been previously made or provided therefor. Proviso.

SECT. 3. The lines in Mystic River begin at a point denoted by letter A, on plan number three, of the harbor, commissioners of eighteen hundred and fifty-four, and is on the north-westerly side of Chelsea Bridge, distant four hundred and sixty feet north-eastwardly from the north-easterly draw in said bridge; thence the line runs in a south-easterly direction, making an angle of eighty-seven degrees and thirty minutes, (taken from a south-westerly to a south-easterly direction,) with said bridge, to the point B, situated at the intersection of this line with the commissioners' line of eighteen hundred and forty-nine. Beginning again at the point A, first mentioned, the line runs in a westerly direction two thousand and twenty feet to the point C, making an angle of sixty-two degrees and fifteen minutes, (taken from a south-westerly to a westerly direction,) with said bridge; thence north-westwardly four hundred and thirty feet, to the point D, near the easterly side of the mouth of Island End River, making an angle of one hundred and forty-five degrees and thirty minutes, (taken from an easterly to a north-westerly direction,) with the line last described. Then beginning at the point E, on the south-easterly side of Malden Bridge, distant six hundred and fifty feet north-east- Lines in Mystic River.

wardly from the draw in said bridge, the line runs in an easterly direction twenty-five hundred feet, to the point F, making an angle of eighty-one degrees and thirty minutes, (taken from a north-easterly to a south-easterly direction,) with said bridge; thence eastwardly sixteen hundred and fifty feet, to the point G, near the westerly side of the mouth of Island End River, making an angle of one hundred and fifty-six degrees and thirty minutes, (taken from a north-westerly to an easterly direction,) with the line last described. The line on the south-westerly side of the channel begins at the point H, on the most easterly corner of the wall of Tuft's Mill Pond, said point being the beginning of the line of solid structure, as described in chapter one hundred and five of the acts of eighteen hundred and fifty-two, authorizing the city of Charlestown and others, to fill up certain flats in Mystic River; thence the line runs north-westwardly along the north-easterly side of the said wall of Tuft's Mill Pond to the point I, on the south-easterly side of Malden Bridge, said point being at the intersection of said wall and bridge: *providing*, that the proprietors bounding on said line from H to I, may extend piers from said line to the channel.

Line from South  
Boston Point, &c.

SECT. 4. The line from South Boston Point, through Dorchester Bay and Neponset River, commences at the termination of the line of the commissioners of eighteen hundred and fifty-one, denoted by letter A on plan number four, of the harbor commissioners of eighteen hundred and fifty-four, and is situated in the northerly line of Fourth Street extended eastwardly, and fourteen hundred feet from the easterly line of P Street; thence the line runs in a southerly direction, parallel with P Street, seven hundred feet to the point B, thence south-westwardly, to the point C, in the westerly line of P Street, extended southwardly, and five hundred and thirty feet from the southerly line of Sixth Street; thence south-westwardly again to the point D, in the easterly line of M Street extended southwardly, and thirteen hundred feet from the southerly line of Eighth Street; thence westwardly, parallel with Eighth Street, to the point E, in the easterly line of Old Harbor Street extended southwardly; thence southwardly fourteen hundred feet to the point F, in the easterly line of Old Harbor Street extended southwardly; thence eastwardly, making an angle of one hundred and four degrees, (taken from a northerly to an easterly direction,) with the line last described, to the point G, in the easterly line of M Street extended southwardly; thence thirty-two hundred feet, to the point H, in the east-

erly line of M Street extended southwardly; thence south-westwardly, thirty-eight hundred and fifty feet, making an angle of one hundred and twenty-four degrees, (taken from a northerly to a south-westerly direction,) with the line last described, to the point I; thence westwardly to the point J, on the easterly side of the Old Colony Railroad Bridge, near Glover's Tide-Mill Pond, distant four hundred and thirty feet northwardly from the draw in said bridge; then southwardly, along the easterly side of said bridge six hundred feet, to the point K; thence south-eastwardly, to the point L, distant two hundred feet from the north-easterly corner of Ranstead Dearborn and Company's wharf, (as at present built,) measuring at right angles with the north-easterly end of said wharf; thence southwardly to the point M, distant thirteen hundred and fifty feet from the north-easterly rail of the Old Colony Railroad, measuring at right angles therewith, from a point distant four thousand feet north-westwardly from the draw in their bridge over Neponset River; thence south-eastwardly, to the point N, distant twelve hundred feet from said rail, measuring at right angles therewith, from a point distant thirty-three hundred feet north-westwardly from said draw; thence south-eastwardly again, to the point O, distant seventeen hundred and fifty feet from said rail, measuring at right angles therewith, from a point distant sixteen hundred feet north-westwardly from said draw; thence southwardly, to the point P, distant twelve hundred feet from said rail, measuring at right angles therewith, from a point distant three hundred feet north-westwardly from said draw; thence south-westwardly, to the point Q, on the south-easterly corner of James Jenkins' wharf, (as at present built); thence to the point R, on the south-easterly corner of William H. Chamberlain's wharf, (as at present built); thence along the south-easterly end of said Chamberlain's wharf, and of Edward Preston's wharf, (as at present built,) to the point S, on the easterly side of the Neponset Bridge.

SECT. 5. The line from East Boston in the direction of Breed's Island, commences at the termination of the line of the commissioners of eighteen hundred and forty, denoted by letter A, on the plan number one of the harbor commissioners of eighteen hundred and fifty-four, and is in the south-westerly line of Sumner Street, extended south-eastwardly, and eight hundred feet from the south-easterly line of Jeffries Street; thence the line runs easterly to a point in the north-easterly line of Everett Street, continued south-easterly, and distant sixteen hundred and ten feet from the

Line from East  
Boston.



south-easterly line of Jeffries Street; thence the line runs northerly to a point in the line of the north-easterly side of Neptune Street, continued south-eastwardly, and distant fifteen hundred feet from the south-easterly line of Shirley Street; thence the line runs straight north-eastwardly, to the point B, on the south-westerly shore of Breed's Island, distant twelve hundred and fifty feet from the south-easterly line of Saratoga Street, extended north-eastwardly, measuring at right angles therewith, from a point distant thirteen hundred feet from the south-westerly line of Trumbull Street.

No wharf, &c., to be extended beyond the lines.

SECT. 6. No wharf, pier or building, or incumbrance of any kind, shall ever hereafter be extended beyond the same lines into or over the tide-water in said harbor.

Present wharves not to be extended.

SECT. 7. No person shall enlarge or extend any wharf or pier, which is now erected on the inner side of the said lines further towards the said lines than such wharf or pier now stands, or than the same might have been lawfully enlarged or extended before the passing of this act, without leave first obtained in due form of law.

Excavations made when new structures, &c.

SECT. 8. No person shall hereafter build or extend any wharf, pier or other structure, in any part of the harbor of Boston, beyond the riparian lines, unless such person shall excavate from the flats in said harbor adjacent, between high and low-water mark, a quantity of material equal in bulk to the quantity of water displaced by said structure, unless by authority of the legislature.

Persons offending to be deemed guilty of misdemeanor, &c.

SECT. 9. Every person offending against the provisions of this act, shall be deemed guilty of a misdemeanor, and shall be liable to be prosecuted therefor, by indictment or information, in any court of competent jurisdiction, and, on conviction, shall be punished by a fine not less than one thousand dollars nor more than five thousand dollars, for every offence; and any erection or obstruction which shall be made, contrary to the provisions and intent of this act, shall be liable to be removed and abated as a public nuisance, in the manner heretofore provided for the removal and abatement of nuisances on public highways. [*Approved by the Governor, June 6, 1856.*]

**Chap. 294** AN ACT relating to the Board of Commissioners on Alien Passengers and State Paupers.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Appointment of commissioners.

SECT. 1. The governor and council shall, upon the passage of this act, appoint a suitable person, for a term of

three years, who, with the auditor of accounts of the Commonwealth, and the superintendent of alien passengers for the city of Boston, shall constitute a board of commissioners on alien passengers and State paupers, and said commissioners shall have all the powers and perform the duties of the "Board of Commissioners in relation to Alien Passengers and State Paupers," appointed under the provisions of the three hundred and forty-second chapter of the acts of the year one thousand eight hundred and fifty-one.

SECT. 2. At the expiration of said term, and hereafter, whenever a vacancy shall occur, there shall be appointed, to fill the vacancy in said board, a person who shall hold the office for a term of three years. Vacancies, how filled.

SECT. 3. The said commissioners shall have the same power to bind, as apprentices, minors who are inmates of the hospital at Rainsford Island, and the same powers, respectively, in relation to any State paupers who are now or may hereafter become inmates of the same, or of either of the lunatic asylums in this Commonwealth, and their property, if they have any, or any property left by them, in case of their decease, as are by law vested in towns, and in the overseers of the poor in towns, in reference to those paupers who are in any way supported or relieved by towns. Commissioners may bind as apprentices, &c.

SECT. 4. So much of the first section of the three hundred and forty-second chapter of the acts of the year one thousand eight hundred and fifty-one, as requires the governor and council to appoint a member of the council upon the "Board of Commissioners in relation to Alien Passengers and State Paupers," is hereby repealed. *[Approved by the Governor, June 6, 1856.]* Repeal.

AN ACT to change the corporate Name of "The Trustees of the Brimfield Free Grammar School." *Chap. 295*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The institution established by act of the legislature, of April sixth, one thousand eight hundred and fifty-five, in the town of Brimfield, in the county of Hampden, under the corporate name of "The Trustees of the Free Grammar School in Brimfield," is hereby authorized to take the name of the "Hitchcock Free Grammar School," and all votes hereafter passed, and acts done by the trustees, under the said title, shall be valid. Name changed.

SECT. 2. This act shall take effect from and after its passage. *[Approved by the Governor, June 6, 1856.]* Validity of acts, &c.

**Chap. 296** AN ACT to promote the Public Safety and Convenience, by a Bridge at the intersection of the Boston and Lowell, the Fitchburg and the Grand Junction Railroads, in Somerville.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Change in construction of railroads.

SECT. 1. The Fitchburg Railroad Company, and the Grand Junction Railroad and Depot Company, are hereby authorized to lower so much of the surface of their railroads, as is hereinafter indicated, and the Boston and Lowell Railroad Corporation are hereby authorized to raise the surface of their railroad, so that the Fitchburg Railroad and the Grand Junction Railroad may pass under the said Boston and Lowell Railroad, in Somerville, at or near the point where said railroads now cross at grade.

Bridge to be on abutments.

SECT. 2. The bridge required for that purpose shall be supported on abutments of good and substantial stone masonry ; those portions thereof below the present rail surface of the said railroads shall be built and maintained by the Fitchburg Railroad Company ; and those portions of said abutments above said rail surface, as well as the superstructure of said bridge, shall be built and maintained by the Boston and Lowell Railroad Corporation. The said superstructure of said bridge, when completed, shall be, in its lowest part, full five feet four and one-half inches above the present level of the top of the rails at said crossing. It shall also be of such span that the two tracts of the Fitchburg Railroad and the track of the Grand Junction Railroad and Depot Company may pass between the abutments, with a clear space of four feet between each outermost rail and the corresponding abutment. The tracks of the Fitchburg Railroad shall retain their present direction, and a clear space of six feet shall be left between the two tracks of the said Fitchburg Railroad, and a clear space of eight feet six inches between the north track of said Fitchburg Railroad and the track of the Grand Junction Railroad, the last mentioned track to be moved northward for that purpose, so that a line of iron pillars may be erected midway of the last mentioned space, to aid in the support of said bridge superstructure, which shall, in other respects, be supported only at the abutments.

Dimensions of bridge.

Power to change grade, take land, &c.

SECT. 3. For the purposes aforesaid, the said Fitchburg Railroad Company and the Boston and Lowell Railroad Corporation are empowered to make any changes in the grade and construction of their railroads, also to raise, lower, or otherwise change any highways, townways or passage-ways

and connecting tracks, so far as may be necessary for the execution of the above mentioned works, with the consent of the county commissioners of the county of Middlesex. They are also authorized to take any land, or rights in land, for the widening of their embankments or cuttings, or for the construction of temporary side tracks, to prevent the interruption of their business during the progress of said work; they may also take land for drainage or other purposes necessary or incidental: *provided*, that for all land and rights in land thus taken, they shall make compensation according to law, and shall also file a location, according to law, for all land thus taken for permanent occupation. And the Fitchburg Railroad Company is hereby authorized and required to remove so much of the embankment and road bed of the Grand Junction Railroad and Depot Company, as lies within the limits of the land taken by said last named company from the Fitchburg Railroad Company, or within the limits of the land taken from the Boston and Lowell Railroad Corporation, as will make the main track of the railroad of the Grand Junction Railroad and Depot Company correspond in level with those of the Fitchburg Railroad, within said limits; such work, so far as the same shall fall within the limits of the land occupied by the Fitchburg Railroad and Grand Junction Railroad, in juxtaposition or at their intersection, shall be executed by said Fitchburg Railroad Company, under the supervision of a commissioner to be appointed by the governor, as hereinafter provided—by which commissioner, the cost of the same, when completed, including the cost incurred by said Fitchburg Railroad Company in erecting and maintaining their portion of the abutments and other masonry of said bridge, shall be apportioned between said two companies, as shall by him be deemed equitable; and should the award of said commissioner not be promptly paid by the Grand Junction Railroad and Depot Company, the Fitchburg Railroad Company may recover a fair and just proportionate part of the cost incurred by them in lowering said tracks and road beds, and in furnishing materials for and constructing said railroad bridge and its appendages, from said Grand Junction Railroad and Depot Company, with costs, in an action of contract, in the supreme judicial court, in either of the counties of Middlesex or Suffolk; and if the defendants therein shall fail to pay to the plaintiffs the amount of the judgment in said suit, the said court shall, on application of the plaintiffs, grant an injunction to prevent the said defendants, their successors and assigns, from using or running their railroad

Proviso.

Location filed.

Work to be done under supervision of commissioner.

Proceedings if failure to pay award.

in Somerville, south or west of the estate of Elizabeth Joy, until said judgment shall be paid, without prejudice to the other remedies of the plaintiffs.

Costs, &c., in case of connection with other roads.

SECT. 4. In case the Grand Junction Railroad and Depot Company shall require a connection between the Boston and Lowell Railroad and the Grand Junction Railroad and the Fitchburg Railroad, or either of them, to be maintained near said bridge, the cost of maintaining a connection shall be included in the cost of making said bridge, and the work above the present rail surface shall be performed by the Boston and Lowell Railroad, and the work beneath such surface shall be performed by the Fitchburg Railroad Company in the manner herein before stated; and the cost of performing the same and providing materials therefor shall be added to the cost of doing the work and providing materials for said bridge to be incurred by said Fitchburg Railroad Company, and shall be included in said award; and if said award be not paid, a just and fair proportion of such cost may be recovered by them in said action from said Grand Junction Railroad and Depot Company. And said last named company are hereby authorized to take any land on the northerly side of their present location, that may be required for altering their side track and switches, paying for said land, and filing a location thereof according to law: and the cost thereof shall constitute a part of the cost of said bridge, and be credited to the party taking the same.

May use each other's tracks.

SECT. 5. The Fitchburg Railroad Company is hereby authorized to make use of the track of the Grand Junction Railroad, for the passage of trains, whenever its own track is obstructed during the progress of the said work; and the said Grand Junction Railroad and Depot Company may, also, under like circumstances, and during said period and no longer, make use of so much of the tracks of the Fitchburg Railroad, for the passage of trains, as lie between the west end of Prison Point Bridge and Milk Street, in Somerville; and each party shall be allowed by the other a fair compensation for such use.

Former acts defined.

SECT. 6. And it is hereby expressly declared that it was not the intention of any act prior to this act to authorize, nor did it authorize the Grand Junction Railroad and Depot Company, or the companies which composed it, to take or hold either of the main tracks of the Fitchburg Railroad in said Somerville, or the land required for running trains thereon. And the said Fitchburg Railroad Company shall

retain both of their said main tracks in said Somerville, for the exclusive use of their said company, and of all other railroad companies that have been or shall be expressly authorized to enter upon and use the same according to law; and may include the said main tracks and land in the new location of their railroad and branches which they are empowered to make by law. And the location of the Grand Junction Railroad and Depot Company in said Somerville, so far as it lies on the northerly side of the northerly track of said Fitchburg Railroad and of the strip of land required for running trains thereon, and so far as it intersects in crossing the main tracks of said Fitchburg Railroad with a width not exceeding twenty-four feet in crossing, is hereby confirmed; subject, however, to the changes herein authorized, and subject to all claims for damages caused by the location and construction of said Grand Junction Railroad; and said Grand Junction Railroad and Depot Company shall have no power to use either of said main tracks of the Fitchburg Railroad Company except as provided for in section five of this act.

SECT. 7. Nothing herein shall be so construed as to authorize either of said companies to take any additional land from the estate of Elizabeth Joy. Restriction.

SECT. 8. For the supervision and apportionment contemplated in the third section of this act, a commissioner shall be appointed by the governor, with the advice of his council, on application of any two of said three companies, the compensation of which commissioners shall be a part of the cost of said work. Commissioner appointed on application, &c.

SECT. 9. This act shall take effect from and after its passage. [*Approved by the Governor, June 6, 1856.*]

AN ACT in addition to an Act concerning Lines in Boston Harbor.

Chap. 297

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

The act of the year of our Lord one thousand eight hundred and fifty-five, chapter three hundred and ten, is hereby revived, and shall take effect from and after the passage of this present act, and the fifth section of said act shall be extended two years. [*Approved by the Governor, June 6, 1856.*] Act revived and extended.

**Chap. 298** AN ACT to establish additional Terms of the Court of Common Pleas in the County of Worcester.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Terms established at Fitchburg.

SECT. 1. In addition to the terms of the court of common pleas now provided to be holden within and for the county of Worcester, three terms of said court shall be held in the town of Fitchburg, as follows, viz. : on the first Monday in February and June, and the fourth Monday in October, in each year, after the first day of August, in the year one thousand eight hundred and fifty-six.

Terms for civil and criminal business.

SECT. 2. The terms of the court herein provided to be holden on the first Monday of February and the fourth Monday in October, in each year, shall be for the transaction of civil business ; and the term to be holden on the first Monday of June, in each year, shall be for the transaction of criminal business.

SECT. 3. This act shall take effect on and after its passage. [*Approved by the Governor, June 6, 1856.*]

**Chap. 299**

AN ACT to authorize Donald McKay to build a Wharf.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Wharf in East Boston.

Donald McKay, proprietor of land and flats situated in that part of Boston called East Boston, fronting on Border Street, lying between and adjoining other land and flats of said McKay, formerly of Lombard and Whitmore, and land and flats of the East Boston Company, is hereby authorized to build, extend and maintain a wharf from his said premises into the harbor channel, as far as the commissioners' line, so called, is now established by law, in Boston Harbor, and shall have the right to lay vessels at the end and sides thereof, and to receive wharfage and dockage therefor : *provided, however*, that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true line of such flats continued to the said commissioners' line ; and *provided, further*, that so much of said wharf as may be constructed below low-water mark, shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatsoever. [*Approved by the Governor, June 6, 1856.*]

Rights, &c.

Proviso.

Provided, further.

AN ACT to change the Name of the Amesbury Street Baptist Society and to legalize the doings thereof. Chap. 300

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. The Amesbury Street Baptist Society, in Law Name changed. rence, are hereby authorized to take the name of the First Baptist Society in Lawrence, and shall hereafter be known by said name.

SECT. 2. All acts and proceedings of the Amesbury Proceedings legalized. Street Baptist Society in Lawrence, under the name of the First Baptist Society in Lawrence, all conveyances, mortgages, and promissory notes heretofore given by them under said last mentioned name, are confirmed and declared binding on said Amesbury Street Baptist Society, in the same manner and to the same extent they would be if they had been done and made in the name of the Amesbury Street Baptist Society : *provided*, that the said Amesbury Street Proviso. Baptist Society shall, at a meeting duly called for that purpose, approve and ratify all the aforesaid acts and proceedings.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, June 6, 1856.*]

AN ACT to protect Boston Harbor.

*Chap. 301*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Any person who shall take, carry away, or Penalty for carrying away stones, gravel, &c. remove by land or water, any stones, gravel or sand, from any of the beaches, head-lands or islands, within or bordering upon Boston Harbor, without a license therefor from the mayor and aldermen of the city of Boston, shall, for each offence, forfeit a sum not exceeding twenty dollars, to be recovered by complaint or indictment in any court of competent jurisdiction.

SECT. 2. Boston Harbor, for the purposes of this act, Limits of Boston Harbor. shall be deemed to extend to a line drawn from the outer end of Commercial Point, in the town of Dorchester, direct to the outer end of Point Alderton, in the town of Hull ; thence to the outer end of the outer Brewster Island, and thence direct to the Short Beach, at the division line between the towns of North Chelsea and Winthrop.

SECT. 3. All acts and parts of acts, inconsistent with this Inconsistent acts repealed. act, are hereby repealed.



SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, June 6, 1856.*]

Chap. 302

AN ACT to incorporate the Malden and Melrose Railroad Company.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Power to construct railway.

Location.

SECT. 1. Daniel P. Wise, George W. Wilson, Daniel W. Gooch, Daniel Perkins, John Shelton, their associates and successors, are hereby made a corporation by the name of the Malden and Melrose Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracts, from such point or points in the town of Melrose, as shall be fixed by the selectmen of said town, with the assent of such corporation, in writing expressed, and filed with said selectmen, and upon and over such of the streets and highways of said town as shall be, from time to time, fixed and determined by said selectmen, with the written assent of said corporation, filed as aforesaid, to the intersection of the same with the streets and highways of the town of Malden, and thence upon and over such of said streets and highways of the town of Malden, as shall be, from time to time, fixed and determined by the selectmen of said Malden, with the assent, in writing, of said corporation, filed with the said selectmen, to Malden Bridge, thence over said Malden Bridge, using such part thereof, and so constructing said railway or railways, and paying such toll or compensation as may be agreed upon between the proprietors of said Malden Bridge and said railroad corporation; and, in case of disagreement between said proprietors and said railroad corporation, as to the part of said bridge to be so used, or as to the mode of construction of said railway or railways, or as to the rate of toll or compensation to be paid by said railroad corporation, the same shall be fixed and determined by three commissioners, to be appointed by the supreme judicial court; thence upon and over such of the streets of the city of Charlestown as shall be, from time to time, fixed and determined by the mayor and aldermen of said city, with the assent, in writing, of said corporation, and also over and on such other land in said Melrose, Malden and Charlestown, as said corporation may elect to build their road or roads over and upon, to some convenient point of intersection, in said Charlestown, with the railroad of the Middlesex Railroad Company; such point of intersection to be fixed by the city council of the said city of Charlestown;

and all tracks of said railroad shall be laid at such distances from the side-walks in said towns and city, as the selectmen of said towns, and the mayor and aldermen of said city shall, respectively, in their orders fixing the route of said railroad, determine. And said corporation shall have power to fix, Rates of fare. from time to time, such rates of compensation for transporting persons or property, as they may think expedient; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes. Notice to Notice to abutters. abutters on streets in which it may be proposed to lay the tracks of said corporation, shall be given by the publication, in one or more newspapers published in said city of Charlestown, fourteen days, at least, before the location of any such tracks, and also by posting in three public places in each of said towns, and in said city, notice of said proposed location, fourteen days, at least, before the same shall be made.

SECT. 2. The corporation hereby created, may enter May enter upon and use other railroads. upon and use the track of the Middlesex Railroad Company in such mode, and upon such rates of compensation, as may be agreed upon; or, in case of disagreement, such mode and rates shall be fixed by three commissioners, to be appointed by the supreme judicial court.

SECT. 3. Said tracks, or roads, shall be operated and used Operated by horse-power only. by said corporation, with horse-power only. The selectmen of said towns, and the mayor and aldermen of said city, shall have power, at all times, to make all such regulations, as to the rate of speed and mode of use of the tracks, as the public convenience and safety may require.

SECT. 4. Said corporation shall keep and maintain in Repairs, &c. repair, such portion of the street and bridges, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of its agents and servants, in the management, construction or use of said tracks, roads or bridges; and, in case any recovery shall be had against either of said towns, or the said city, by reason of such defect or want of repair, said corporation shall be liable to pay to such towns, or to said city, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits, in which recovery may be had; and said corporation shall not incumber any portion of the streets or bridges, not occupied by said road or tracks.

SECT. 5. If any person shall wilfully and maliciously

Penalty for obstructing corporation.

obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months.

Penalty if corporation shall obstruct.

SECT. 6. If said corporation, or its agents or servants, shall, wilfully and maliciously, obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Capital stock, \$200,000, in shares of \$100 each.

SECT. 7. The capital stock of said corporation shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each; and no shares in the capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued.

May purchase necessary real estate.

SECT. 8. Said corporation shall have power to purchase and hold such real estate, within said towns, or either of them, as may be convenient or necessary for the purposes and management of said road.

Selectmen, &c., to determine grade.

SECT. 9. The said road shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said towns, or the mayor and aldermen of said city, respectively, may, in their votes fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by the selectmen of the town or the mayor and aldermen of said city, within which such alteration is to be made.

Act not to prevent selectmen, &c., taking up streets.

SECT. 10. Nothing in this act shall be construed to prevent the selectmen of either of said towns, or the mayor and aldermen of said city, from entering upon, and taking up any of the public streets or bridges, traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Act void unless, &c.

SECT. 11. This act shall be void, so far as relates to the right to construct said road in either of said towns or said city, unless the same shall be accepted by the selectmen of such towns and the mayor and aldermen of said city, respectively, and unless the same shall be accepted by said corporation, and unless ten per cent. of the capital stock thereof shall be paid in within three years from and after the passage of this act.

SECT. 12. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature as are, or may be, prescribed by law, and also so far as to be subject to all existing provisions of law for the assessment and payment of damages for the land, outside of the streets, taken by them for their track, but not to the other general provisions of law in relation to railroad corporations. [Approved by the Governor, June 6, 1856.]

Corporation to make annual returns, but, &c.

AN ACT to incorporate the Society for the relief of Aged Women, in Salem. *Chap. 303*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. Daniel A. White, Stephen C. Phillips, John Bertram, Ripley Ropes and John Ball, their associates and successors, are hereby made a corporation by the name of The Society for the relief of Aged Women, in Salem, for the purpose of taking, holding, investing and distributing such funds as they now have or may hereafter be given them, for the charitable and benevolent objects of their society ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Corporators.

Name.

Purpose.

Privileges, restrictions, &c.

SECT. 2. Said corporation shall have power to establish such rules and regulations for the management of their society, as a majority of the members may, from time to time, determine to be expedient and proper.

Rules, &c.

SECT. 3. Said corporation shall be empowered to hold real and personal estate to an amount not exceeding fifty thousand dollars.

Real and personal estate not to exceed \$50,000.

SECT. 4. This act shall take effect from and after its passage. [Approved by the Governor, June 6, 1856.]

AN ACT to authorize Luther Drew to build a Wharf.

*Chap. 304*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Luther Drew, proprietor of land and flats, situated in that part of Boston called East Boston, fronting on Marginal Street, lying between and adjoining land and flats of Donald McKay, and land and flats of the Grand Junction Railroad and Depot Company, is hereby authorized to build, extend and maintain a wharf from his said premises into the harbor channel, as far as the commissioners' line, so called, is

Wharf in East Boston.

**Rights, &c.** now established by law in Boston Harbor, and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however,* that this grant shall not be construed to extend to any flats or land of this Commonwealth, lying in front of the flats of any other person, or which would be comprehended by the true lines of such flats, continued to the said commissioners' line; and *provided, further,* that so much of said wharf as may be constructed below low-water mark shall be built on piles, which piles shall not be nearer to each other than six feet in the direction of the stream, and eight feet in a transverse direction, and that this act shall in no wise impair the legal rights of any person whatever. [*Approved by the Governor, June 6, 1856.*]

**Proviso.**

**Provided further.**

**Chap. 305**

AN ACT concerning the location of the Eastern Railroad.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

**Location confirmed.**

SECT. 1. The location of the railroad of the Eastern Railroad Company, and said railroad and its branches, as the same are actually laid out and constructed, in the counties of Essex, Middlesex and Suffolk, are hereby ratified and confirmed.

**May file new location, &c., within one year.**

SECT. 2. In order to correct any informality or insufficiency in the location of said railroad and its several branches, heretofore filed, the said corporation is hereby authorized, at any time within one year from the passage of this act, to file with the county commissioners of Essex, Middlesex and Suffolk, respectively, new locations of said railroad and its several branches, defining the courses, distances and boundaries of such portions thereof, as lie within the said counties, respectively, in conformity with the actual construction of said railroad and branches, as already built, which said new locations, when filed, shall be valid and sufficient in law, to all intents and purposes: *provided,* that nothing herein contained, shall affect the legal rights of any person to damages, whose land may have been taken heretofore by said corporation, and not settled for under the existing laws.

**Proviso.**

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, June 6, 1856.*]

AN ACT to authorize the Agent of Charles River and Warren Bridges to *Chap. 306*  
lease a Wharf adjoining Warren Bridge.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

The agent of the Charles River and Warren Bridges is May lease wharf. hereby authorized to lease, for a period not exceeding ten years from the expiration of the present lease thereof, the southern portion of the wharf adjoining Warren Bridge, on the westerly side thereof, for the purpose of a bathing-house : *provided*, that this act shall not be construed to authorize Proviso. said agent to lease any premises over which the Fitchburg Railroad Company were authorized to widen their bridge, by the two hundred and thirtieth chapter of the acts of the year one thousand eight hundred and fifty-five, nor in any manner affect the rights of any parties under said act ; and *provided, further*, that said lease shall be approved by the Provided, further. governor and council. [*Approved by the Governor, June 6, 1856.*]

AN ACT to divide the Commonwealth into Districts for the choice of Coun- *Chap. 307*  
cillors.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

SECT. 1. For the purpose of choosing councillors, the Commonwealth divided into councillor districts. Commonwealth is hereby divided into eight councillor districts, each of which shall, in the manner prescribed by the constitution and the laws, elect one councillor.

SECT. 2. The said eight districts shall be as follows, to District No. 1. wit : The counties of Barnstable, Dukes and Nantucket, together with the towns of Abington, Carver, Duxbury, Halifax, Hanover, Hanson, Kingston, Lakeville, Marion, Marshfield, Middleborough, Pembroke, Plymouth, Plympton, Rochester, Scituate, South Scituate and Wareham, in the county of Plymouth ; the cities of Fall River and New Bedford, and the towns of Dartmouth, Fairhaven, Freetown, Somerset, Swanzev and Westport, in the county of Bristol, shall form one district, and be called DISTRICT NUMBER ONE.

The towns of Bridgewater, East Bridgewater, North District No. 2. Bridgewater, West Bridgewater, Hingham and Hull, in the county of Plymouth ; Attleborough, Berkley, Dighton, Easton, Mansfield, Norton, Pawtucket, Raynham, Rehoboth, Seekonk and Taunton, in the county of Bristol ; Bellingham, Braintree, Canton, Cohasset, Dedham, Dorchester, Foxborough, Franklin, Medfield, Medway, Milton, Quincy,

Randolph, Sharon, Stoughton, Walpole, Weymouth and Wrentham, in the county of Norfolk ; and Blackstone, Mendon, Milford, Northbridge and Uxbridge, in the county of Worcester, shall form one district, and be called DISTRICT NUMBER TWO.

District No. 3.

The city of Roxbury, and the towns of Brookline, Dover, Needham and West Roxbury, in the county of Norfolk ; the cities of Cambridge and Charlestown, and the towns of Ashland, Brighton, Framingham, Holliston, Hopkinton, Natick, Newton, Sherborn, Somerville, Wayland and Weston, in the county of Middlesex ; and the wards numbered five, six and nine, in the city of Boston, in the county of Suffolk, shall form one district, and be called DISTRICT NUMBER THREE.

District No. 4.

The wards numbered one, two, three, four, seven, eight, ten, eleven and twelve, in the city of Boston, and the towns of Chelsea, North Chelsea and Winthrop, in the county of Suffolk, shall form one district, and be called DISTRICT NUMBER FOUR.

District No. 5.

The cities and towns in the county of Essex, excepting the towns of Andover and Methuen, shall form one district, and be called DISTRICT NUMBER FIVE.

District No. 6.

The towns of Andover and Methuen, in the county of Essex, and the city of Lowell, and the towns of Acton, Ashby, Bedford, Billerica, Boxborough, Burlington, Carlisle, Chelmsford, Concord, Dracut, Dunstable, Groton, Lexington, Lincoln, Littleton, Malden, Marlborough, Medford, Melrose, North Reading, Pepperell, Reading, Shirley, South Reading, Stoneham, Stow, Sudbury, Tewksbury, Townsend, Tyngsborough, Waltham, Watertown, West Cambridge, Westford, Wilmington, Winchester and Woburn, in the county of Middlesex ; and Bolton, Clinton, Fitchburg, Harvard, Lancaster, Leominster and Lunenburg, in the county of Worcester, shall form one district, and be called DISTRICT NUMBER SIX.

District No. 7.

The city of Worcester and the towns of Ashburnham, Athol, Auburn, Barre, Berlin, Boylston, Brookfield, Charlton, Dana, Douglas, Dudley, Gardner, Grafton, Hardwick, Holden, Hubbardston, Leicester, Millbury, New Braintree, Northborough, North Brookfield, Oakham, Oxford, Paxton, Petersham, Phillipston, Princeton, Royalston, Rutland, Shrewsbury, Southborough, Southbridge, Spencer, Sterling, Sturbridge, Sutton, Templeton, Upton, Warren, Webster, Westborough, West Boylston, West Brookfield, Westminster and Winchendon, in the county of Worcester ; and the

several towns in the county of Franklin, shall form one district, and be called DISTRICT NUMBER SEVEN.

The counties of Berkshire, Hampden and Hampshire shall form one district, and be called DISTRICT NUMBER EIGHT. District No. 8.

SECT. 3. The qualification of the voters for councillors, the time, manner and declaration of the election and the return of the votes, shall be such as are required in the election of governor. Qualification of voters, &c., same as for governor.

SECT. 4. All laws in force, in relation to the duties of sheriffs, town and city officers and voters, in the election of governor, senators and representatives of this Commonwealth, shall, as far as the same may be applicable, apply and be in force in regard to the meetings and elections to be held, and the returns to be made under the provisions of this act, respecting the choice of councillors; and the like penalties shall be incurred for the violation thereof. Existing laws applicable in election of councillors. [Approved by the Governor, June 6, 1856.]

AN ACT concerning the Superior Court of the County of Suffolk, and the Court of Common Pleas. *Chap. 308*

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

SECT. 1. The words "three thousand" are hereby substituted for the words "fifteen hundred," wherever the latter occur in the third and fourth sections of the four hundred and forty-ninth chapter of the acts of the year eighteen hundred and fifty-five. Jurisdiction enlarged to \$3,000.

SECT. 2. The fourteenth section of the last mentioned act is so far amended as that the clerk, instead of the salary therein provided, shall retain for his services, from the fees received by him and for which he is to account, the sum of three thousand dollars per annum, if such fees amount to so much, and the balance he shall pay over to the treasurer of the city of Boston, for the use of said city, annually. Salary of clerk.

SECT. 3. Nothing in this act shall be construed to release said city from its proper contribution to the maintenance of the court of common pleas prior to the establishment of the said superior court. Boston to contribute to maintenance of C. C. Pleas. [Approved by the Governor, June 6, 1856.]



**Chap. 309**

AN ACT to incorporate the Titicut Academy, of Middleborough.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Privileges, restrictions, &amp;c.

Real estate,  
\$15,000.Personal estate,  
\$10,000.

SECT. 1. Isaac Pratt, Morrill Robinson, Zebulon Pratt, their associates and successors, are hereby made a corporation by the name of the Titicut Academy, to be established in the town of Middleborough, in the county of Plymouth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECT. 2. Said corporation may hold real estate to the amount of fifteen thousand dollars, and personal estate to the amount of ten thousand dollars; to be exclusively devoted to the purposes of education.

SECT. 3. This act shall take effect from and after its passage. [*Approved by the Governor, June 6, 1856.*]

**Chap. 310**

AN ACT to incorporate the Globe Insurance Company, in Boston.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Corporators.

Name.

Purpose.

Privileges, restrictions, &amp;c.

SECT. 1. William Appleton, Josiah Bradlee and William F. Weld, their associates and successors, are hereby made a corporation by the name of the Globe Insurance Company, of Boston, for the purpose of making insurance against losses by fire and maritime losses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, the four hundred and fifty-third chapter of the acts of eighteen hundred and fifty-four, and all other general laws in force relating to insurance companies, except as hereinafter provided.

Capital, \$1,000,000, in shares of \$100 each.

Fifty per cent. to be paid in before policies issue.

Residue of capital, how paid.

SECT. 2. Said company shall have a capital of one million dollars, to be divided into shares of one hundred dollars each, to be paid in and invested as follows: Before any policies shall be issued, fifty per cent. of said capital shall be paid in cash, and invested according to the laws of this Commonwealth regulating insurance companies with specific capital; and the residue of said capital shall be paid by notes of the stockholders, payable on demand, without interest, and secured by pledge of the stock held by said stockholders; and no part of said stock shall be transferred, until the full amount of notes secured thereby has been paid in cash, or said stock shall be transferred, subject to the lien

thereon for payment of said notes, to be expressed in the instrument of transfer.

SECT. 3. Said company shall set apart annually, all its profits over and above six per cent. of its unimpaired capital, paid in and invested as aforesaid, as a reserved fund, for the redemption of said stockholders' notes, which fund shall be invested in the same manner as its cash capital; and whenever said fund, with its accumulations, shall amount to ten per cent. of said notes, the same shall be ratably endorsed as a payment thereon, and so on from time to time, until said notes are fully paid.

Surplus profits  
for redemption  
of notes, &c.

SECT. 4. This act shall take effect from and after its passage. [*Approved by the Governor, June 6, 1856.*]



## CHANGE OF NAMES.

## SECRETARY'S OFFICE.

By the 256th chapter of the acts of 1851, entitled "An Act to provide for the Change of Names of Persons," it is provided that "the judges of probate for the several counties shall, annually, in the month of December, make a return, to the office of the Secretary of the Commonwealth, of all changes of names made under and by virtue of this act, and such returns shall be published in a tabular form, with the statutes of each year." And the following returns have been received at this Department in accordance with said act.

## SUFFOLK.

George Barnard, takes the name of George Barnard Brown.

William Piggot Casey, takes the name of William Piggot.

James Gilleland, takes the name of James Gillingham.

Warren Gookin, takes the name of Warren Plummer Wilder.

Nellie Howe, takes the name of Emma Frances Colburn.

Susan Dillaway Irish, takes the name of Susan Dillaway Taylor.

Edwin Augustus Irish, takes the name of Edwin Augustus Taylor.

James Franklin Irish, takes the name of Frank Berry Taylor.

Samuel Keep, takes the name of Samuel Hamilton Keep.

Uriah Thomas Ling, takes the name of Uriah Thomas Stone.

John McCarter, takes the name of John Mason Carter.

Martha A. Morrow, takes the name of Martha A. Morse.

William Roddin, takes the name of William Brown Adams.

Mary Ann Robinson, takes the name of Frances Ella Butts.

Henrietta A. Smith, takes the name of Henrietta A. Reed.

Mary Ann Tancock, takes the name of Mary Ann Sharland.

William Brown Adams, takes the name of William Roddin.

Matilda Allen Fearing, takes the name of Matilda Fearing Allen.

Mary Elizabeth Fuller, takes the name of Mary Frances Williams.

John Gilligan, takes the name of John Gilligan Adams.

Decreed by Edward G. Loring, Judge of Probate for the County of Suffolk.

The date of the decree is not given in the return made to this office.

#### ESSEX.

April 3, 1855. Mary Snethen, of Salem, takes the name of Mary Snethen Abbott.

May 15. James Gott, 3d, of Rockport, takes the name of James Jabez Gott. Franklin Putnam Fish, of Andover, takes the name of Franklin Putnam.

Decreed by N. S. Howe, Judge of Probate for the County of Essex.

#### MIDDLESEX.

January 9, 1855. Thomas Saunders, of Lowell, takes the name of Thomas Edward Saunders.

February 20. Jackson McCartee, of Burlington, takes the name of Loring Mason Jackson.

March 6. James Alfred Loker, of Tewksbury, takes the name of Alfred J. Livingston. Mary Savory Price, of Lowell, (a minor,) takes the name of Mary Price Savory.

March 20. Mehitabel S. Benson, of South Reading, (a minor,) takes the name of Sarah Benson Green. Frances Ellen Sawyer, of Lowell, (a minor,) takes the name of Frances Ellen Wright.

April 10. Charles Dearth, of Sherborn, takes the name of Charles Howe; and the name of his wife, and three children, who are minors, was changed to Howe. Henry Dearth, of Sherborn, takes the name of Henry Howe; and the name of his wife, and two children, who are minors, was changed to Howe. John Brown, of Charlestown, takes the name of John Manson Brown. Mary Jane Mosman, of Sudbury, (a minor,) takes the name of Mary Jane Smith. Michael Powell, of Cambridge, takes the name of Martin Powell.

May 15. Mazelli Augustus Benson, of Reading, (a minor,) takes the name of Ellen Benson Baldwin.

June 5. Idaetta Towne, of Lowell, (a minor,) takes the name of Idaetta Thompson.

June 12. George Washington Robinson, of Lexington, takes the name of George Dexter Robinson.

June 26. Ellen Euseba Montague, of Ashland, (a minor,) takes the name of Ella Euseba Sherman.

August 21. Malcom Holden, of Malden, (a minor,) takes the name of Howard Malcom Holden.

September 4. Josiah Cooledge McKenney, of Waltham, takes the name of Josiah Cooledge Hadley.

September 18. Patrick Driscoll, of Groton, takes the name of Frederick Driscoll.

November 13. George Michali, of Lincoln, (a minor,) takes the name of George Hayden.

December 4. Charlotte Louisa Hubbard, of Somerville, (a minor,) takes the name of Ella Frances Gooding.

December 18. Nathaniel Palmer, of Charlestown, takes the name of Nathaniel Palmer Leach; and his wife, Elizabeth P. Palmer, takes the name of Elizabeth Perkins Leach.

Decreed by S. P. P. Fay, Judge of Probate for the County of Middlesex.

#### WORCESTER.

April 3, 1855. Sylvanus N. Day, and Sophronia H. Day, his wife, of Millbury, adopt Frances Everline Livermore, and said Frances takes the name of Frances Everline Day.

May 1. Caleb Warren Dalrymple, of Shrewsbury, takes the name of Caleb Warren.

May 8. Ezra Batcheller, 2d, of North Brookfield, takes the name of Ezra Daniel Batcheller.

June 5. Sumner Haynes, and Abigail Haynes, his wife, of Leominster, adopt Edward Perkins, and said Edward takes the name of Edward Chalmers Haynes.

July 3. Eleazer Wheelock, and Mary W. Wheelock, his wife, of Worcester, adopt Charles Marvin Cleveland, and said Charles takes the name of Charles Cleveland Wheelock. Edward Alonzo Howe, of Barre, takes the name of Alonzo Edward Gibson.

August 7. John Chamberlain, and Mehitabel Chamberlain, his wife, of Southborough, adopt Mary Ann Delon, and said Mary Ann takes the name of Laura Mehitabel Chamberlain.

Decreed by Thomas Kinnicutt, Judge of Probate for the County of Worcester.

#### HAMPSHIRE.

April 3, 1855. Patrick Falvey, of Hadley, takes the name of Henry S. Falvey.

May 1. Epaphroditus C. Hubbard, and Sophia E. Hubbard, his wife, of Williamsburg, adopt Emma Cordelia Snow, (a minor,) about two years old, daughter of Alanson Snow, of Williamsburg, and said Emma takes the name of Emma Cordelia Hubbard.

July 3. John W. Temple, and Abigail Temple, his wife, of Northampton, adopt George Edgar Stowell, (a minor,) about four years old, son of Moses S. Stowell, of Amherst, and said George takes the name of George Stowell Temple.

August 7. Susan E. Cook, of Pelham, takes the name of Susan E. Babbit.

September 4. Joseph F. Tower, and Clarissa H. Tower, his wife, of Northampton, adopt Eliza Maria Gorman, (a minor,) about five years old, daughter of Eliza Gorman, of Northampton, and said Eliza takes the name of Eliza Maria Tower.

Decreed by Ithamar Conkey, Judge of Probate for the County of Hampshire.

#### HAMPDEN.

January, 1855. James Rodolphus Hoar, of Monson, takes the name of James Rodolphus Homer.

February. Abner Post Langdon, of Westfield, takes the name of Abner Post.

March. Elmira Ann Bond, takes the name of Almira Ann Dean.

June. Joseph W. Boot, late of Warren, R. I., (an infant,) takes the name of Joseph W. Wright.

August. Jennette Marsh, of Springfield, takes the name of Jennette Gilmore. Eliza Ann Goodell, of Springfield, takes the name of Mary Ella Street.

November. Phineas Clark, of Chicopee, takes the name of Charles Henry Smith.

Decreed by Oliver B. Morris, Judge of Probate for the County of Hampden.

## FRANKLIN.

February 13, 1855. Charles D. Deth, of Erving, takes the name of Charles D. Gilmore.

December 18. Sumner Lincoln, of Rowe, takes the name of Increase Sumner Lincoln.

Decreed by Franklin Ripley, Judge of Probate for the County of Franklin.

## BERKSHIRE.

June 5, 1855. Frederick C. Shumway, takes the name of Frederick Shumway Ford.

Decreed by Daniel N. Dewey, Judge of Probate for the County of Berkshire.

## NORFOLK.

January 6, 1855. Ella Medora French, of Quincy, (a minor,) takes the name of Ella Medora French Parker.

April 14. Alonzo Howard, of Brookline, (a minor,) takes the name of Alonzo Potter Howard.

May 3. Mary A. Westcott, of West Roxbury, (a minor,) takes the name of Mary A. Dascomb. Annette W. Wyman, of Wrentham, (a minor,) takes the name of Annette W. Cobb.

May 26. Ella Josephine Dowe, of Quincy, (a minor,) takes the name of Ella Josephine Watson.

July 1. Lewis G. Seaver, of Dedham, (a minor,) takes the name of Lewis Seaver Dixon.

October 13. Alice Clayton Stoddard, of Hull, (a minor,) takes the name of Alice Clayton Baker.

November 17. Charles Everett Chase, of Foxborough, (a minor,) takes the name of Charles Everett Martin.



December 8. Emeline Gowell, of Weymouth, (a minor,) takes the name of Emeline Gurney..

Decreed by W. S. Leland, Judge of Probate for the County of Norfolk.

BRISTOL.

January 5, 1855. Michael Mulliken, of New Bedford, takes the name of Thomas Edward Mulliken White.

Decreed by Oliver Prescott, Judge of Probate for the County of Bristol.

PLYMOUTH.

February 27, 1855. Jesse Cahoon and Sarah Cahoon, of Wareham, adopt Betsey Maria Pittsley, (a minor,) and said Betsey takes the name of Betsey Maria Cahoon.

June 5. John Dubbs, of Hingham, takes the name of John Deering. Jared Bracket and Abby A. Bracket, of Marshfield, adopt Grace Lawrence, (a minor,) and said Grace takes the name of Abby Grace Bracket.

July 3. Thacher Perry and Almira Perry, of Pembroke, adopt Lemira Jenness Morrow, (a minor,) and said Lemira takes the name of Mary Jenness Perry.

August 28. George A. Sawyer and Elizabeth W. Sawyer, of Taunton, adopt Henrietta Lewis, (a minor,) and said Henrietta takes the name of Annette Webster Sawyer.

September 24. Peleg Sprague Ellison, (a minor,) of Duxbury, takes the name of William Peleg Ellison.

Decreed by Aaron Hobart, Judge of Probate for the County of Plymouth.

BARNSTABLE.

March 13, 1855. Julia Maria Gervassio, of Barnstable, takes the name of Julia Maria Gervassio Oakes. Mary Augusta Crocker, of Brewster, takes the name of Martha Ann Crocker. Elizabeth Nealus, of Dennis, takes the name of Elizabeth Rogers. James M. Bacon and wife, of Barnstable, adopt Inis W. Bearse, (a minor,) and said Inis takes the name of Inis W. Bacon. Torlston Fuller and wife, of Barnstable, adopt Prince Albert Hinckley, (a minor,) and he takes the name of Prince Albert Fuller.

June 19. Samuel Hallett and wife, of Barnstable, adopt Sophia Wilson Hinckley, (a minor,) and said Sophia takes the name of Sophia Wilson Hallett. Leonard Robbins and wife, of Harwich, adopt William R. Vredenburgh, (a minor,) and said William takes the name of William R. Robbins.

July 17. James Stiff and wife, of Barnstable, adopt Margaret Lyons, (a minor,) and said Margaret takes the name of Ellanora Stiff.

September 11. Gorham Brackett, of Yarmouth, takes the name of Gorham Brackett Knowles. Joshua Sears and wife, of Dennis, adopt Catharine Martin, (a minor,) and said Catharine takes the name of Louisa Maria Sears.

Decreed by George Marston, Judge of Probate for the County of Barnstable.

#### NANTUCKET.

October 6, 1855. Sarah Briggs takes the name of Sarah H. Briggs.

November 15. Franklin B. Chase, (a minor,) takes the name of Benjamin Franklin Chase.

Decreed by Samuel Mitchell, Judge of Probate for the County of Nantucket.

No application for change of name, under this act, has ever been made to the Judge of Probate for the County of Dukes County.



# RESOLVES, GENERAL AND SPECIAL.

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RESOLVE in favor of Henry A. Marsh.

*Chap. 1.*

*Resolved*, That there be allowed and paid, out of the treasury of the Commonwealth, to Henry A. Marsh, the sum of thirty dollars, in full payment for his services as acting clerk of the house of representatives, during the organization thereof, at the commencement of the present session; and that a warrant be drawn accordingly. [*Approved by the Governor, January 15, 1856.*]

\$30 to acting clerk, during organization of legislature.

RESOLVE for the pay of the Legislature and its Officers, monthly.

*Chap. 2.*

*Resolved*, That there be paid, out of the treasury of the Commonwealth, to each member of the legislature, at the end of every month, during its session, the sum of seventy-five dollars: *provided*, it shall appear by the certificate of the clerk of either house that the pay of the member for the month, at three dollars per day, amounts to that sum; and each member shall submit to the clerk, in writing, a statement of the number of days he has been in attendance during the month. Also, that there be paid to the clerks, messengers, door-keepers and pages of the two houses, a proportionate sum, upon producing the proper certificate; and his excellency the governor is authorized to draw his warrant on the treasury, for a sum not exceeding one hundred and forty thousand dollars, for the purpose herein before specified. [*Approved by the Governor, January 26, 1856.*]

Monthly pay of members.

**Chap. 3.** RESOLVE authorizing the Treasurer to borrow Money in anticipation of the Revenue.

Treasurer may borrow necessary sums, not exceeding \$300,000.

*Resolved*, That the treasurer of this Commonwealth be, and he hereby is, authorized, until otherwise directed by the legislature, to borrow, in anticipation of the revenue, such sum or sums of money, as may from time to time, be necessary for the payment of the ordinary demands upon the treasury, within the current financial year; and that he shall repay any sum which he shall borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided, however*, that the whole amount borrowed by authority hereof, and remaining unpaid, shall not, at any time, exceed the sum of three hundred thousand dollars. [*Approved by the Governor, February 4, 1856.*]

**Chap. 4.** RESOLVE in favor of the Worcester South Agricultural Society.

Same allowance as if returns had been lawfully made.

*Resolved*, That there be paid, from the treasury of the Commonwealth, to the Worcester South Agricultural Society, such sum of money, as they would have been entitled to receive, in the year one thousand eight hundred and fifty-five, had their returns been made in conformity to law. [*Approved by the Governor, February 9, 1856.*]

**Chap. 5.** RESOLVES relative to the observance of the Birthday of Washington.

Washington's birthday.

*Whereas*, It is essential to the union, peace and prosperity of our common country, that there should be a constant recurrence to the principles which lie at the foundation of a republican government, and to that end, that the parting advice of Washington, at the close of his public life, should be ever held in sacred remembrance; therefore,

Legislature to meet in convention.

*Resolved*, That the two branches of the general court, will meet in convention, at twelve o'clock, meridian, on the twenty-second day of February, to commemorate the one hundred and twenty-fourth anniversary of the birthday of Washington.

"Farewell Address" to be read.

*Resolved*, That the "Farewell Address" to the people of the United States, published on the fifteenth of September, one thousand seven hundred and ninety-six, be read by the president of the convention.

Invitation to governor, &c.

*Resolved*, That his excellency the governor, his honor the lieutenant-governor, the members of the executive council, the chaplains of the two branches, and the officers of the various departments of State, be invited to be present on that occasion, and unite in paying so just a tribute to the memory of George Washington.

*Resolved*, That his excellency the commander-in-chief be National salute. requested to order a national salute, at twelve o'clock, noon, on that day. [*Approved by the Governor, February 20, 1856.*]

RESOLVE in favor of the Astor Library.

Chap. 6.

*Resolved*, That the secretary of the Commonwealth cause Books and documents to be transmitted to Astor Library. to be transmitted to the trustees of the Astor Library, located in the city of New York, for the use of said library, one copy of each of the first five printed volumes of the general court records of Massachusetts, one copy each of the printed volumes of the records of the Colony of New Plymouth, and, as far as may be at the disposal of the secretary, a complete set of the general laws and resolves of the State, the reports of the boards of education and agriculture, and of scientific, charitable and reformatory commissions, and of the annual bound documents. [*Approved by the Governor, February 26, 1856.*]

RESOLVE relating to the Massachusetts Convention of 1788.

Chap. 7.

*Resolved*, That the report of the proceedings of the Proceedings of convention of 1788 to be printed. Massachusetts Convention, of the year one thousand seven hundred and eighty-eight, be reprinted, under the direction of the committee on the library; that the same number be printed as of ordinary legislative documents; and that one copy be furnished to each member of the executive and legislative departments of the government for the present political year. [*Approved by the Governor, March 5, 1856.*]

RESOLVE on the Petition of John L. Priest and others.

Chap. 8.

*Resolved*, For reasons set forth in said petition, that John W. Hall, one of the persons named therein, administrator of the goods and estate of John F. Priest, with the will annexed, be, and he is hereby, authorized to sell at public auction or private sale, and on such terms and conditions as he may think proper, the premises mentioned or referred to in said petition, being the parcel of land bounded northeasterly on Winter Street, in the city of Boston, in the county of Suffolk, the same premises which were conveyed to said John F. Priest by Patrick T. Jackson, by deed bearing date the fourteenth day of June, in the year eighteen hundred and thirty-one, recorded in the registry of deeds for said county of Suffolk, lib. three hundred fifty-three, fol. one hundred seventeen,—of which estate said John F. Priest died seized,—and upon any such sale of real estate, to make, acknowledge and deliver a good and

Authorized to sell certain real estate.

**Proviso.** sufficient deed or deeds, for conveyance thereof to the purchaser or purchasers, his or their heirs and assigns, in fee simple: *provided, however*, that said Hall shall first give bond to the judge of probate for said county of Suffolk for the time being, in such sum and with such surety or sureties as he shall approve, conditioned faithfully to hold, account for, pay over and divide the net proceeds of such sale to and among the persons who are, or may be legally entitled thereto, under the last will and testament of said John F. Priest, and in the proportions which may belong to them respectively, under the provisions of said last will and testament. [*Approved by the Governor, March 10, 1856.*]

**Chap. 9.****RESOLVE relating to the Massachusetts Records.**

**Edition of Massachusetts Records to be printed.**

**Proviso.**

*Resolved*, That the secretary of the Commonwealth be authorized to contract with William White, the present State printer, for the publication of an edition of the Massachusetts Records, to be printed from the stereotype plates belonging to the Commonwealth, and to be offered for sale to the public, at a reasonable price: *provided*, that said William White will agree to supply members of the legislature desiring copies, at the cost of printing; and no charge shall be made by the Commonwealth, for the use of the plates, if they are returned without damage or injury: and the printing and publication shall be executed without cost to the Commonwealth. [*Approved by the Governor, March 15, 1856.*]

**Chap. 10.** **RESOLVE** in favor of the Widow of John V. Low, late Assistant-Messenger to the Governor and Council, deceased.

**Pay to widow of J. V. Low.**

*Whereas*, By a resolve of the legislature of the year one thousand eight hundred and fifty-five, chapter sixteen, John V. Low, formerly an assistant-messenger to the governor and council, for a period of forty-two years, was entitled to receive, from the treasury of the Commonwealth, the same pay *per diem*, during said session, which he would have received had he been able to fulfil his duty as said assistant-messenger, he having been confined to his house by pulmonary consumption, said resolve entitling him to receive such pay for the "present year," to be paid at discretion of the governor and council; and that not having drawn the whole amount during said term, a balance still remains unpaid; therefore,

*Resolved*, That there be paid from the treasury of the Commonwealth, to Mrs. L. Low, widow of said Low, now deceased, the balance that should have been paid during the year one thousand eight hundred and fifty-five, upon said

resolve, she giving her receipt for the same. [*Approved by the Governor, March 17, 1856.*]

RESOLVES on the Petition of the Selectmen of Marshpee.

Chap. 11.

*Resolved*, That there be appropriated and paid, from the treasury of the Commonwealth, the sum of three hundred and fifty dollars, in addition to five hundred dollars granted by the legislature of the year one thousand eight hundred and fifty-five, for the purpose of repairing the meeting-house at Marshpee, the said sum to be expended under the same conditions and restrictions as the previous aforesaid grant. \$350 additional for repairing meeting-house.

*Resolved*, That there be also appropriated and paid, from the treasury of the Commonwealth, the sum of two hundred dollars, for the proprietors aforesaid, to make up a deficit in the repairs and enlargement of two school-houses in said district of Marshpee, the said sum to be expended under the conditions and restrictions aforesaid. [*Approved by the Governor, March 21, 1856.*] \$200 for repairing school-houses.

RESOLVES relative to the enlargement of the State House.

Chap. 12.

*Resolved*, That his excellency the governor, with the advice of the council, be authorized to draw his warrant upon the treasury, to an amount not exceeding the sum of five hundred and sixty-four dollars and eighty-nine one-hundredths, for the payment of such bills as have been incurred and are now outstanding, on account of the enlargement of the State House, after the same shall have been audited by the auditor of the Commonwealth. [*Approved by the Governor, March 21, 1856.*] \$564.89 for enlargement of State House.

RESOLVES on the Petition of Jared Benson and others.

Chap. 13.

*Resolved*, For reasons set forth in said petition, that Caleb Thayer, one of said petitioners be, and he hereby is, authorized to sell the personal property and outlands of the late Jared Benson, mentioned in said petition, and convey the same, by proper deed or deeds, and invest and hold the proceeds thereof for the use and benefit of the devisees and legatees, named in the will of said Jared, in the same manner as the property itself would be holden under the provisions of said will; said sales to be made in the same manner as is provided by law, for sales by administrators by license of court. Caleb Thayer authorized to sell and convey certain personal and real estate. Sales, how made.

*Resolved*, That the judge of probate for the county of Worcester, be authorized to appoint three commissioners, to make partition of the homestead of said Jared Benson, deceased, among the devisees thereof for life, and that the Commissioners to divide homestead, &c.



share which shall be set to said devisees for life, respectively, shall, at their respective deaths, go to and become the sole property of such person or persons, as, by the terms of said will, would be entitled to the undivided share of such devisee for life at his decease. And said commissioners shall execute and return said commission in the same manner as is provided for the settlement and partition of intestate estates. [*Approved by the Governor, March 21, 1856.*]

**Chap. 14.** RESOLVE on the Petition of the Overseers of the Poor of the Town of Newbury.

\$51 to treasurer  
of Newbury.

*Resolved*, For the reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to the treasurer of the town of Newbury, the sum of fifty-one dollars, and that the governor be requested to draw his warrant therefor. [*Approved by the Governor, March 21, 1856.*]

**Chap. 15.**

RESOLVE on the Petition of James W. Richardson.

\$300 to James W.  
Richardson.

*Resolved*, For reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to James W. Richardson, the sum of three hundred dollars, and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, March 31, 1856.*]

**Chap. 16.**

RESOLVE concerning the Quartermaster-General's Department.

\$4,550 for ex-  
penses of de-  
partment.

*Resolved*, That the sum of four thousand five hundred and fifty dollars be, and the same is hereby, appropriated to defray the expenses of the quartermaster-general's department for the current year, and that warrants be drawn accordingly. [*Approved by the Governor, April 3, 1856.*]

**Chap. 17.** RESOLVE concerning the Journals and Papers of the House of Representatives.

\$3,000 for index-  
es of journals and  
papers.

*Resolved*, That the clerk of this house cause to be completed, under his supervision, at an expense not exceeding three thousand dollars, the general index of the journals of the house of representatives, up to the close of the present session; and also to prepare a catalogue of the papers on file in the house, and make an index to the same, similar to the indexes and catalogues of the senate, and that the governor be authorized to draw his warrants for the payment of the expenses of the same accordingly. [*Approved by the Governor, April 5, 1856.*]

RESOLVE on the Petition of the Society of the Cincinnati of Massachusetts. *Chap. 18.*

*Resolved*, That the secretary of the Commonwealth be, and he hereby is, authorized to receive from the Society of the Cincinnati of Massachusetts, such books and documents as they may place in his charge,—and to keep the same with the archives of the Commonwealth, subject always to the order and control of the said society. [*Approved by the Governor, April 5, 1856.*]

Books to be kept with archives of Commonwealth.

RESOLVE in favor of the Town of Wilmington.

*Chap. 19.*

*Resolved*, That there be allowed and paid, out of the school fund of this Commonwealth, to the treasurer of the town of Wilmington, the sum of thirty dollars and twenty-four cents, being the amount of that town's proportion of the school fund for the year one thousand eight hundred and fifty-five, less ten per cent.; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 5, 1856.*]

\$30.24 as proportion of school fund.

RESOLVE in favor of the Herring Pond Indians.

*Chap. 20.*

*Resolved*, That, for reasons set forth in the petition, there be allowed and paid, out of the school fund of this Commonwealth, to the treasurer of the Herring Pond Indians, the sum of sixty dollars annually, for the term of five successive years, to aid in the support of the school among the Herring Pond Indians; and that a warrant be drawn therefor, from time to time, accordingly. And it shall be the duty of the treasurer aforesaid, in each year, to make a return of the condition of the school, and of the moneys expended therein, in the form prescribed in the act providing for the distribution of the income of the Massachusetts School Fund. [*Approved by the Governor, April 7, 1856.*]

\$60 annually, for five years, for support of school.

RESOLVE in favor of the Town of Berlin.

*Chap. 21.*

*Resolved*, That there be allowed and paid, out of the school fund of this Commonwealth, to the treasurer of the town of Berlin, the sum of forty dollars and thirty-eight cents, being the amount due said town as their proportion of the school fund for the year one thousand eight hundred and fifty-five, less ten per cent.; and that the governor be authorized to draw his warrant therefor accordingly. [*Approved by the Governor, April 7, 1856.*]

\$40.38 as proportion of school fund.

**Chap. 22.**

RESOLVES relative to a Scientific Survey of Boston Harbor.

Relative to survey of Boston Harbor.

*Whereas*, The absolute necessity of good harbors for a commercial nation to sustain its foreign and coasting trade, and to provide for the uses of its navy, makes it of the first importance that no effort should be spared to protect, preserve and improve the harbors upon our coast; and whereas, the great facilities of the harbor of Boston, for these several purposes, renders it imperative that every measure should be adopted to perpetuate and improve these advantages, and that nothing should be done which would impair its present condition for usefulness; therefore,

Congress requested to direct a survey, &amp;c.

*Resolved*, That the congress of the United States be respectfully requested to direct a scientific survey to be made of the harbor of Boston, by a competent board of engineers, with authority to said board to proceed at once in the execution of that duty, with full powers to receive evidence, and to make all needful inquiries to enable them to present in their report well defined views of the character and condition of the harbor, and the means of preserving and improving the same, which can be made a reliable basis for all future legislative action with reference to structures that may, at any time hereafter, be projected about its shores or estuaries.

Transmission of resolves.

*Resolved*, That his excellency the governor be requested to transmit a copy of the foregoing preamble and resolution, to the senators and representatives of Massachusetts in the national congress, with a request to them to use all honorable means to secure the legislation therein recommended. [Approved by the Governor, April 8, 1856.]

**Chap. 23.**

RESOLVE in addition to the Resolve relating to the Massachusetts Convention of 1788.

Reprint of documents, &amp;c., of 1788.

*Resolved*, That in the reprint of the report of the proceedings of the Massachusetts Convention, of one thousand seven hundred and eighty-eight, there shall be included the official journal of the convention, now in the archives of the State; and such other documents relating to the subject, as, in the opinion of the committee on the library, may be necessary. [Approved by the Governor, April 8, 1856.]

**Chap. 24.**

RESOLVE in favor of the Town of Belchertown.

\$128.92 as proportion of school fund.

*Resolved*, That there be allowed and paid, out of the school fund of this Commonwealth, to the treasurer of the town of Belchertown, the sum of one hundred and twenty-eight dollars and ninety-two cents, being the amount due said town, as their proportion of the school fund for the year

eighteen hundred and fifty-five; and that a warrant be drawn therefor accordingly. [*Approved by the Governor, April 8, 1856.*]

RESOLVE on the Petition of Charles Scudder.

Chap. 25.

*Resolved*, For reasons set forth in said petition, that the Commonwealth hereby releases to Charles Scudder, of Boston; Charles A. Cate, and Jane E. A. Cate, of Castine, in the State of Maine; Mary Ann Walker, wife of James B. R. Walker, of Holyoke, and Lucy M. Perkins, wife of Charles E. Perkins, of Hartford, in the State of Connecticut, all its right, title and interest acquired by escheat or otherwise, in estate numbered sixty-seven, on Bedford Street, in the city of Boston, as described in the deed of Drury M. Marshall and Francis A. Sawyer, to Thomas Adams, recorded with Suffolk deeds, book four hundred and thirty-four, page forty-six. [*Approved by the Governor, April 8, 1856.*]

Release of title, &c., in certain estate in Boston.

RESOLVE in favor of the State Reform School for Girls.

Chap. 26.

*Resolved*, That there be allowed and paid, out of the treasury of the Commonwealth, to the commissioners under the resolves of April twelfth, eighteen hundred and fifty-four, the sum of five thousand dollars, for the purpose of procuring necessary furniture for the buildings provided for said school, at Lancaster, and preparing the same for the reception of girls; and that the governor be authorized to draw his warrant therefor accordingly. [*Approved by the Governor, April 14, 1856.*]

\$5,000 for furniture, &c.

RESOLVE in relation to the State Library.

Chap. 27.

*Resolved*, That the new library-room in the State House be furnished and fitted for use, under the direction of the trustees of the State library, at an expense not exceeding three thousand dollars; which sum shall be allowed and paid out of the treasury, to be expended under the direction of the said trustees, who are hereby authorized to apply to the purchase of books for the library, any balance which may remain after furnishing the room; and his excellency the governor is authorized to draw his warrant accordingly. [*Approved by the Governor, April 15, 1856.*]

\$3,000 to trustees of State library.

RESOLVE on the Petition of the Guardian of the Chappequiddic Indians and others.

Chap. 28.

*Resolved*, That for reasons set forth in said petition, there be allowed and paid, out of the school fund of this Commonwealth, to the guardian of the Chappequiddic and Christian-

\$104 annually, for five years, for support of schools.

town Indians, the sum of one hundred and four dollars annually, for the term of five successive years, to aid in the support of the schools among the said Indians, and that warrants be drawn therefor, from time to time, accordingly. [Approved by the Governor, April 15, 1856.]

*Chap. 29.*

RESOLVES on the Petition of Edward Blake to sell Real Estate.

Trustee authorized to sell certain real estate.

*Resolved*, For the reasons set forth in the petition of Edward Blake, trustee, that he be, and he is, hereby authorized and empowered to convey to John Wiley Edmands, of Newton, in the county of Middlesex, Esquire, his heirs and assigns, all that piece or parcel of land, with the buildings thereon, situated in Chardon Street, in Boston, in the county of Suffolk, particularly described in said petition, or to such other person or persons as may be entitled to a conveyance thereof, pursuant to the provisions of the lease of the premises set forth in said petition: *provided*, that payment

Proviso.

therefor shall be made according to the provisions of said lease; and that in case neither said Edmands, nor any one claiming under said lease, shall elect to purchase said premises, that said Blake be authorized to sell the same at public or private sale for cash or on credit; and that said Blake be authorized to convey said premises in fee simple, discharged from all trusts and liability for the application of the purchase money; and further, that said Blake be, and he is

Further sale.

hereby, authorized to sell the land and the dwelling-houses thereon, situated in Seabury Place, in said Boston, particularly described in said petition, at public auction, for cash or on credit, and that said Blake be authorized to convey said premises in fee simple, discharged from all trusts and liability for the application of the purchase money: *provided*,

Proviso.

*however*, that said Blake shall first give such bond with sureties to the judge of probate for the time being, of the county of Suffolk, as the said judge shall approve, with condition faithfully to pay and divide the net proceeds of the sale of said land in Chardon Street to and among the several persons entitled to the same under the trust indenture named in said petition; and that the net proceeds of the sale of the said land and the dwelling-houses, situated in said Seabury Place, be kept on interest, and applied to the payment of the annuities under said indenture; and that at the death of the annuitants, the fund shall be distributed among the several persons who may be entitled to the same under said indenture. [Approved by the Governor, April 17, 1856.]

RESOLVE on the Petition of Samuel Jennison, Jr., Guardian.

Chap. 30.

*Resolved*, For reasons set forth in the said petition, that the power and authority conferred upon said guardian by virtue of the resolves of the legislature of said Commonwealth, passed on the seventh day of May, in the year one thousand eight hundred and fifty-one, and on the twelfth day of April, in the year one thousand eight hundred and fifty-three, be so extended, that the said Jennison be, and he is hereby, authorized and empowered to sell and convey the right, title, interest and estate of John and Frank T. Richardson, named in said resolves, or of either of them, in and to any part of the lands in said resolves described, in as full and ample a manner as the said guardian has been heretofore authorized thereby: *provided, however*, that said guardian shall first give bond to the judge of probate for the county of Middlesex, with good and sufficient surety or sureties, to be approved by the said judge, with condition that the said guardian shall faithfully execute the power herein granted, and shall render to the said court an account, on oath, of the proceeds of all sales under this resolve, within one year from the times of such sales respectively, and at such other times as said judge of probate may direct, and shall apply and invest such proceeds, and account for and pay over the same when required, and according to law, and discharge his trust in relation to the premises faithfully, for the best interest of his said wards; and *provided, further*, that when the principal sums derived from such sales of the interest and estate of the said John Richardson, shall amount (exclusive of interest accruing thereon) to the sum of five thousand dollars, over and above the sum limited by said previous resolves, then this power and authority, so far as relates to said estate of said John Richardson, shall terminate; and *provided*, that when the principal sums derived from such sales of the interest and estate of said Frank T. Richardson, shall amount (exclusive of interest accruing thereon) to the sum of ten thousand dollars, over and above the sum limited by said previous resolves, then this power and authority, so far as relates to the estate of said Frank T. Richardson, shall terminate. [Approved by the Governor, April 19, 1856.]

Guardian authorized to sell right, title, &c., of John and Frank T. Richardson.

Bond to judge of probate.

When to terminate with John Richardson.

When to terminate with Frank T. Richardson.

RESOLVE upon the Petition of William Sohier, Cyrus, and Hannah P. Mason. Chap. 31.

*Resolved*, For the reasons set forth in said petition, that the power and authority given in chapter fourteenth of the resolves passed in the year eighteen hundred and fifty-five, to William Sohier, of Boston, as trustee under the will of

Authorized to mortgage certain lots of land.

the late Edward Tuckerman, of Boston, to mortgage certain lands therein described, for the purposes therein mentioned, be, and the same is hereby, extended so as to authorize and empower the said Sohier, as such trustee, and his successors and successor in office for the aforesaid purposes, to mortgage the said estate or estates, or either of them, for any sum not exceeding twenty-five thousand dollars in the whole, by a mortgage or mortgages, payable at any time or times that may be agreed on with any mortgagee or mortgagees, and to cancel, modify and renew the mortgage or mortgages whenever he may think it expedient so to do; but to reserve out of the income of said estates, over and above the interest of said mortgage and mortgages, two thousand dollars per annum, instead of one thousand dollars, as required in the aforesaid resolve, toward the payment of the principal sum. [*Approved by the Governor, April 19, 1856.*]

### Chap. 32.

RESOLVES relative to Repairs and Furniture for the State House.

\$17,172.80 for repairs and furniture of State House.

*Resolved*, That his excellency the governor, with the advice and consent of the council, be authorized to draw his warrants upon the treasury, to an amount not exceeding the sum of seventeen thousand one hundred and seventy-two dollars and eighty cents, for the payment of such bills as have been incurred and are now outstanding, for repairs and furniture for the State House, under a joint order of both branches of the legislature, of the fourteenth day of February, in the year one thousand eight hundred and fifty-five, and chapters eighty-one and eighty-seven of the resolves of the year one thousand eight hundred and fifty-five, after the same shall have been audited by the auditor of the Commonwealth. [*Approved by the Governor, April 25, 1856.*]

### Chap. 33.

RESOLVES concerning the Annual Report of the Secretary of the Board of Agriculture.

10,000 copies annual report to be printed.

*Resolved*, That the clerk of the senate, for the time being, be authorized and directed to cause to be printed, annually, before the meeting of the legislature, or as soon thereafter as may be, ten thousand copies of the Annual Report of the Secretary of the Board of Agriculture, and that he cause the same to be numbered four of the senate documents.

2,000 copies for legislature, &c.

*Resolved*, That two thousand copies of said report be reserved for the use of the legislature, and that the residue be placed at the disposal of the secretary of the board of agriculture. [*Approved by the Governor, April 30, 1856.*]

RESOLVE in favor of the Indians of Gay Head.

Chap. 34.

*Resolved*, That there be allowed and paid, out of the school fund of this Commonwealth, to Leavitt Thaxter, Esq., of Edgartown, the sum of sixty dollars annually, for the term of five years, to be applied to the support of schools among the Indians of Gay Head: and the governor is authorized to draw his warrant therefor, from time to time, accordingly. [*Approved by the Governor, April 30, 1856.*]

\$60 annually, for five years, for support of schools

RESOLVE on the Petition of Charles Brigham.

Chap. 35.

*Resolved*, That, for the reasons set forth in said petition, there be allowed and paid, out of the treasury of the Commonwealth, to Charles Brigham, the sum of fifty-six dollars and twenty-nine cents, and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, April 30, 1856.*]

\$56.29 allowed.

RESOLVE on the Petition of Lewis Aiken.

Chap. 36.

*Resolved*, That, for the reasons set forth in said petition, there be allowed and paid out of the treasury of the Commonwealth, to Lewis Aiken, the sum of six hundred dollars; and that the governor be authorized to draw his warrant accordingly. [*Approved by the Governor, May 1, 1856.*]

\$600 allowed.

RESOLVE granting Taxes for the several Counties.

Chap. 37.

*Resolved*, That the sums placed against the names of the several counties in the following schedule be, and hereby are, granted as a tax for each county, respectively; to be assessed, paid, collected and applied, according to law, namely:—

Sums assessed.

Essex—Ninety-eight thousand four hundred dollars.

Middlesex—Eighty-three thousand two hundred sixty-four dollars.

Norfolk—Fifty-five thousand dollars.

Bristol—Fifty thousand dollars.

Plymouth—Twenty thousand dollars.

Worcester—Seventy-five thousand dollars.

Hampden—Thirty thousand five hundred dollars.

Hampshire—Twenty thousand dollars.

Berkshire—Twenty-two thousand dollars.

Barnstable—Eight thousand five hundred and fifty dollars.

Franklin—Eighteen thousand dollars.

Dukes—Three thousand five hundred dollars. [*Approved by the Governor, May 1, 1856.*]



**Chap. 38.**

RESOLVE in favor of the Town of Southbridge.

\$186.18 as proportion of school fund.

*Resolved*, That there be allowed and paid, out of the school fund of this Commonwealth, to the treasurer of the town of Southbridge, the sum of one hundred and thirty-six dollars and eighteen cents, being the amount due said town, as its proportion of the school fund for the year eighteen hundred and fifty-five, and that a warrant be drawn therefor accordingly. [*Approved by the Governor, May 1, 1856.*]

**Chap. 39.**

RESOLVES concerning a Breakwater at Cape May.

Senators and representatives to urge appropriation.

*Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts*, That our senators and representatives in congress be requested to use their utmost exertions to obtain, during the present or the next session of congress, an appropriation for the commencement of a breakwater harbor on Crow Shoal, in the Delaware Bay, near Cape May.

Secretary to forward copies.

*Resolved*, That the secretary of the Commonwealth be directed to forward to each of our senators and representatives in congress, a copy of these resolves.

Governor to communicate action, &amp;c.

*Resolved*, That the governor of this State be requested to communicate the action of this legislature to the governor of New Jersey. [*Approved by the Governor, May 1, 1856.*]

**Chap. 40.** RESOLVES concerning the Journals and Papers of the House of Representatives.

Clerk to complete index and prepare catalogue, &amp;c.

*Resolved*, That the clerk of the house of representatives for the time being, cause to be completed, under his supervision, the general index of the journals of the house up to the close of the present session, and also prepare a catalogue of the papers on file in the house, and make an index of the same similar to the indexes and catalogues of the senate; the whole expense of the work hereby authorized to be done, not to exceed the sum of three thousand dollars; and the governor is hereby authorized to draw his warrant, for the payment of the expenses already incurred in the work aforesaid, under the resolve relating thereto, approved April fifth, eighteen hundred and fifty-six. And the governor is further authorized, as said work progresses, to draw his warrant for paying the expenses of the same in monthly payments.

Repeal.

*Resolved*, That the resolve concerning the journals and papers of the house of representatives, approved April fifth, eighteen hundred and fifty-six, be, and hereby is, repealed. [*Approved by the Governor, May 3, 1856.*]

RESOLVE in relation to the Estate of Nahum Capen.

Chap. 41.

*Whereas*, By deed of mortgage, dated the tenth day of February, eighteen hundred and forty-six, and recorded in the registry of deeds for the county of Norfolk, lib. one hundred and sixty-two, fol. sixty-nine, one Nahum Capen conveyed to Joseph Barrett, the then treasurer and receiver-general of this Commonwealth, a certain tract and parcel of land situate in Dorchester, in said county of Norfolk, as by reference to said deed of mortgage will fully appear; said deed of mortgage having been given to secure the payment of the principal and interest of the two promissory notes and debt therein described; and *whereas*, the consideration mentioned in said deed is described as having been paid by said Barrett, "acting on behalf of the Western Railroad Loan Sinking Fund," while he, said Barrett, was, in point of fact, as it is believed, acting, in taking said mortgage, on behalf of the Western Railroad Stock Sinking Fund; and *whereas*, subsequently to the time of taking said mortgage, an open and peaceable entry into and upon the premises described in said deed of mortgage, was made by Jacob H. Loud, treasurer and receiver-general of said Commonwealth, for breach of the condition of said mortgage, and for the purpose of foreclosing the right of redemption; and *whereas*, doubts have arisen as to the proper and effectual method of assigning the real estate and premises conveyed by said deed of mortgage, said deed of mortgage itself, and the notes and debt thereby secured, together with the benefit and advantage of said entry for breach of condition; therefore,

*Resolved*, If approved by the governor and council, that on the receipt of the sum of money which shall be found to be legally due on the notes secured by said deed of mortgage, Moses Tenney, Jr., the treasurer and receiver-general of this Commonwealth, or such other person as shall be the treasurer and receiver-general for the time being be, and he hereby is, fully authorized to assign, transfer and set over to any person or persons whomsoever, the real estate and premises conveyed by said deed of mortgage, said deed of mortgage itself, and the notes and debt thereby secured, together with the benefit and advantage of the said entry for breach of the condition of said mortgage, and for the purpose of foreclosing the right of redemption; said assignment to be made subject to the right of any person or persons (if any such right there be) to redeem said real estate; and said deed of assignment to be made and executed in the name of the Commonwealth, under its seal, and to be acknowl-

Relating to fore-  
closure of certain  
mortgaged estate.

Treasurer au-  
thorized to exe-  
cute deed of as-  
signment, &c.

edged as its deed, by said treasurer and receiver-general; and said deed, when so executed and acknowledged, and when delivered, shall be amply sufficient to pass and convey every thing as aforesaid, intended to be assigned thereby. [Approved by the Governor, May 3, 1856.]

**Chap. 42.** RESOLVE concerning the pay of the Messengers and Pages of the two branches of the Legislature.

Messengers and Pages.

*Resolved*, That the sergeant-at-arms be authorized to appoint such persons as messengers and pages to the two branches of the legislature, during its sessions, as the presiding officers of the two houses shall, respectively, approve.

Compensation.

And the persons heretofore appointed to act as messengers and pages, during the present session, with the approval of said presiding officers, shall be paid in the same manner as the door-keepers are now paid under the existing laws. [Approved by the Governor, May 3, 1856.]

**Chap. 43.** RESOLVE on the Petition of Henry Dennis, of Rockport.

\$34.47 allowed.

*Resolved*, That, for reasons set forth in the petition, there be allowed and paid, out of the treasury of the Commonwealth, to Henry Dennis, of Rockport, the sum of thirty-four dollars and forty-seven cents, and the governor is hereby authorized to draw his warrant accordingly. [Approved by the Governor, May 5, 1856.]

**Chap. 44.** RESOLVE on the Petition of Sherburn F. Morey.

\$23.27 allowed.

*Resolved*, That, for reasons set forth in said petition, there be allowed and paid out of the treasury of the Commonwealth, to Sherburn F. Morey, of Gloucester, the sum of twenty-three dollars and twenty-seven cents, and the governor is hereby authorized to draw his warrant accordingly. [Approved by the Governor, May 5, 1856.]

**Chap. 45.** RESOLVE in favor of George Lane, a Constable of the Town of Gloucester.

\$36 allowed.

*Resolved*, That, for reasons set forth in the petition of George Lane, a constable of the town of Gloucester, there be allowed and paid, out of the treasury of the Commonwealth, to the said Lane, the sum of thirty-six dollars; and that the governor be authorized to draw his warrant accordingly. [Approved by the Governor, May 5, 1856.]

RESOLVES further to postpone the operation of chapter fifty-three of Resolves *Chap. 46.*  
of eighteen hundred and fifty-five.

*Resolved*, That the operation of the resolve of the general court, approved by the governor May fourth, eighteen hundred and fifty-five, entitled "Resolve declaring when certain lands in the State of Maine shall become forfeited to this Commonwealth," be further suspended upon the following conditions: On the payment of one-third of the principal and interest due, on the notes given for any tract of land, and advertised by the land agent, pursuant to the requirements of said resolve, to be made on or before the first day of January, in the year one thousand eight hundred and fifty-seven, the forfeiture of said land shall be postponed one year from the said first day of January; and on payment of one-half of the principal and interest remaining due on said notes, on or before the first day of January, in the year one thousand eight hundred and fifty-eight, the forfeiture of said land shall again be postponed for one year; and on payment of the balance of principal and interest remaining due on said notes, the other conditions of the deed having been performed, the title of the purchaser under the deed shall become absolute. If any such payments shall fail to be made, in manner and at the times aforesaid, the land shall be declared forfeited, in manner provided in said resolve: *provided*, that if any timber shall be cut from any township or tract of land, for which any of the afore described notes were given, the stumpage on the same shall be fully paid, and the amount endorsed on the notes given for the townships or tract from which it was so taken; and if the stumpage is not so paid, then the township or tract, from which said lumber was so cut, shall not be saved from forfeiture, but the same shall be forfeited in manner provided in said resolve. The time for the payment of stumpage shall be the first day of November in each year.

Operation of resolve of 1855 postponed.

Proviso.

*Resolved*, That if any part owner of any tract of land, or any mortgagee thereof, fails to pay his proportion of the principal and interest, to be paid, as by the foregoing resolve provided, on the first day of January, in the year of our Lord one thousand eight hundred and fifty-seven, any other part owner, or mortgagee, who on that day pays his part of said principal and interest, may, on the second day of January, in the year one thousand eight hundred and fifty-seven, pay to the land agent the sum which was required to be paid on the first day of said January, by said delinquent part owner: and the part owner, so paying, shall be considered the purchaser of the interest in the land forfeited by such delinquent

Part owners, paying delinquencies, to be considered as purchasers, &c.

Two or more part  
owners may  
unite, &c.

part owner, and shall have the right to complete the payments for the whole in the manner in the aforesaid resolve provided; and having so done, shall be entitled to a deed of the interest in the land forfeited by said delinquent part owner. No payment, made by any part owner, shall save from forfeiture any part of the lands, unless the same so left unpaid by the delinquent part owner, is paid, and the land purchased in the manner before provided. If there are two or more part owners, who desire to pay their own shares of such sums, and to unite in paying the shares of such delinquent part owner, they may do so, and shall be entitled each to his proportion of the forfeited interest of such delinquent part owner, in proportion to their several interests. [*Approved by the Governor, May 5, 1856.*]

#### Chap. 47.

RESOLVES relating to Woodworth's Planing Machine.

Patent laws.

*Whereas*, We believe the true object of our patent laws to be, protection to the inventor, and not the establishment of a monopoly in the hands of speculators in patents, that may tax the industrial pursuits of the country, without rendering an equivalent: and *whereas*, we believe the renewal a second time of the patent on Woodworth's Planing Machine, would be a violation of the spirit and design of our patent laws, and fix an unjust and oppressive tax on the mechanical pursuits of the country; therefore,

Relative to Wood-  
worth's patent.

*Resolved, by the Senate and House of Representatives of the Commonwealth of Massachusetts*, That our senators and representatives in congress be requested to use all honorable means in their power, to prevent the renewal of said patent, upon the application of William W. Woodworth, or any other person in his behalf.

Transmission of  
resolves.

*Resolved*, That the governor of the Commonwealth be requested to forward copies of the foregoing preamble and resolution to our senators and representatives in congress. [*Approved by the Governor, May 8, 1856.*]

#### Chap. 48. RESOLVE authorizing the Treasurer and Receiver-General to release and quitclaim to Enos Clark, Jr., certain Lands in Northampton.

Treasurer to quit-  
claim certain  
lands to Enos  
Clark, Jr.

*Resolved*, That for reasons set forth in the petition of Enos Clark, Jr., the treasurer and receiver-general is hereby authorized to release and quitclaim to said Clark, his heirs and assigns, that portion of the real estate, situated in Northampton, described in said petition, and which was erroneously embraced in the deed of said Clark to the commissioners acting in behalf of said Commonwealth, under the act passed May twenty-first, eighteen hundred and fifty-five, entitled

“An Act to establish a Hospital for Insane in Western Massachusetts,” which deed bears date the third day of September, eighteen hundred and fifty-five. [*Approved by the Governor, May 13, 1856.*]

RESOLVE in aid of the State Hospitals at Rainsford Island and Taunton.

Chap. 49.

*Resolved*, That the sum of thirteen thousand dollars be, and the same is, hereby appropriated, to be applied by the inspectors of the State Hospitals at Rainsford Island and Taunton, in the following manner, to wit:—To the State Hospital at Rainsford Island, the sum of five thousand dollars, for the purposes of erecting an addition to the hospital for males, to build wood and coal sheds, for furniture and repairs, and for grading grounds around new hospital; to the State Lunatic Hospital at Taunton, the sum of eight thousand dollars, for the purposes of ventilating, heating and repairs, and that the governor draw his warrants accordingly. [*Approved by the Governor, May 13, 1856.*]

\$13,000 to State hospitals at Rainsford Island and Taunton.

RESOLVE on the Petition of William Greenleaf, to pay over certain Trust Funds.

Chap. 50.

*Resolved*, For the reasons set forth in the petition of William Greenleaf, executor and trustee, that he is hereby authorized and empowered to pay to the children of Austin Harrington, late of the county of Worcester, deceased, to each child, his or her just proportion of any and all funds, which he, the said William Greenleaf, holds, either as executor or trustee of the estate of Lucretia Harrington, late of Worcester, deceased; and the receipt of said children, upon such payment, shall bar effectually, all claims of said children against the said William Greenleaf, arising, or growing out of any of the provisions in the last will of the said Lucretia Harrington. [*Approved by the Governor, May 13, 1856.*]

Executor authorized to pay funds. &c.

RESOLVE on the Petition of Alfred H. Porter.

Chap. 51.

*Resolved*, For reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Alfred H. Porter, the sum of three hundred dollars, and that the governor be authorized to draw his warrant therefor accordingly. [*Approved by the Governor, May 13, 1856.*]

\$300 to Alfred H. Porter.

RESOLVE on the Petition of Patrick Boise, to sell Real Estate.

Chap. 52.

*Resolved*, For the reasons set forth in the petition of Patrick Boise, administrator, that he be, and he is, hereby authorized and empowered, to convey, in fee simple, either

Administrator authorized to convey real estate.

Proviso.

by contract or at public auction, the real estate of which Jerusha Phelps, late of Westfield, in the county of Hampden, deceased, died seized and possessed of: *provided, however*, that said Boise shall first give such bond, with sureties, to the judge of probate of the county of Hampden, as the said judge shall approve, with condition to pay over the proceeds of said sale to the legal heirs of the said Jerusha Phelps. [*Approved by the Governor, May 13, 1856.*]

**Chap. 53.** RESOLVE on the Petition of Nathaniel Appleton and others, relative to the Salem Charitable Marine Society.

Notice of meeting.

*Resolved*, For reasons set forth in said petition, that said Nathaniel Appleton be, and he is hereby, authorized to call a meeting of the Salem Charitable Marine Society, by causing a notice of the time, and place, and object of such meeting, to be published three weeks successively, in the Salem Gazette, a newspaper printed in the city of Salem, the last publication to be inserted one week at least, before the time of such meeting. Said society is hereby authorized to elect a receiver, and to empower him to withdraw all moneys standing to the credit of said society, in any bank, and to pay over the same to the Seamen's Widow and Orphan Association, and also to transfer to said Seamen's Widow and Orphan Association, all stocks standing in the name of the first named society, which property so paid over and transferred, shall be held by the last named association, upon the trusts contemplated in its act of incorporation. [*Approved by the Governor, May 13, 1856.*]

Transfer of property.

**Chap. 54.**

RESOLVE on the Petition of Tewksbury and Oldwell.

\$382 allowed.

*Resolved*, For reasons set forth in said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Tewksbury and Caldwell, the sum of three hundred and ninety-two dollars, and that the governor be authorized to draw his warrant therefor accordingly. [*Approved by the Governor, May 13, 1856.*]

**Chap. 55.**

RESOLVE in favor of the Town of Boxford.

\$43.37 as proportion of school fund.

*Resolved*, That there be allowed and paid, out of the school fund of this Commonwealth, to the treasurer of the town of Boxford, the sum of forty-three dollars and thirty-seven cents, being the amount due said town, as its proportion of the school fund for the year eighteen hundred and fifty-five, less ten per cent., and that the governor be authorized to draw his warrant therefor accordingly. [*Approved by the Governor, May 13, 1856.*]

RESOLVE in favor of the State Industrial School for Girls.

Chap. 56.

*Resolved*, That the sum of eight thousand dollars be, and the same is hereby, appropriated, to be applied by the trustees of the State Industrial School for Girls, for the purpose of furnishing supplies for the support of the inmates of said institution, and that the governor draw his warrants accordingly. [Approved by the Governor, May 16, 1856.]

\$8,000 for supplies.

RESOLVE in favor of the State Almshouses.

Chap. 57.

*Resolved*, That the sum of fifteen thousand and two hundred dollars be, and the same is hereby, appropriated to be applied by the inspectors of the several State Almshouses, in the following manner, to wit: to the State Almshouse at Tewksbury, the sum of five thousand dollars, for the purposes of purchasing and erecting an engine and boiler, and for alterations and repairs of buildings; to the State Almshouse at Bridgewater, the sum of three thousand seven hundred dollars, for the erection of barn, sheds, fencing, and painting buildings; to the State Almshouse at Monson, the sum of six thousand five hundred dollars, to pay debts contracted the past year, finish the third story of the building, and for repairs; and that the governor draw his warrants accordingly. [Approved by the Governor, May 16, 1856.]

\$15,200 to State almshouses at Tewksbury and Bridgewater.

RESOLVE concerning the Artificial Propagation of Fish.

Chap. 58.

*Resolved*, That his excellency the governor, with the advice of the council, be authorized to appoint three commissioners, whose duty it shall be to ascertain and report, to the next general court, such facts respecting the artificial propagation of fish, as may tend to show the practicability and expediency of introducing the same into this Commonwealth, under the protection of law; and said commissioners shall keep an account of their actual expenses in executing this commission, to be duly audited and allowed by the governor and council, and paid by warrant upon the treasury, duly drawn for that purpose by the governor: *provided, however*, that the amount does not exceed one thousand dollars. [Approved by the Governor, May 16, 1856.]

Propagation of fish.

RESOLVE on the Petition of Clem Jenkins, for leave to inherit certain Real Estate.

Chap. 59.

*Resolved*, For reasons set forth in said petition, that said Clem Jenkins be, and he is hereby, authorized to take, hold and dispose of the real estate mentioned and described in said petition, free and clear of any and all claim which this Commonwealth may have thereto, by reason of the death of James N. Johnson, without legal heirs. [Approved by the Governor, May 19, 1856.]

Title established.



**Chap. 60.**

RESOLVES concerning the Attorney-General's Office

\$1,000 annually,  
for clerical assist-  
ance.

*Resolved*, That there be allowed and paid to the attorney-general of the Commonwealth, a sum not exceeding one thousand dollars annually, for such clerical assistance as the business of his office may require.

Repeal

*Resolved*, That the twenty-fifth chapter of the resolves of the year one thousand eight hundred and fifty-five be, and hereby is, repealed. [*Approved by the Governor, May 21, 1856.*]

**Chap. 61.**

RESOLVE on the Petition of James H. Patillo and others.

\$85.10 for witness  
fees.

*Resolved*, That, for reasons set forth in said petition, there be allowed and paid, out of the treasury of the Commonwealth, to George Lane, of Gloucester, the sum of thirty-five dollars and ten cents, as an allowance to the petitioners for witness fees and mileage, to wit: for George Lane, four dollars and twenty-eight cents; for James H. Patillo, three dollars and seventy-eight cents; for J. D. Allen, four dollars and twenty-eight cents; for S. F. Morey, five dollars and ninety cents; for E. G. Friend, one dollar and fifty-eight cents; for David Allen, three dollars and twenty-four cents; for James Roberts, two dollars and sixteen cents; for Chester Mars, one dollar and eight cents; for George Clarke, three dollars and twenty-four cents; for Robert Rowe, three dollars and seventy-eight cents; and for Henry Dennis, one dollar and seventy-eight cents; and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, May 21, 1856.*]

**Chap. 62.**

RESOLVE on the Petition of Jonathan W. Freeland, to sell Real Estate.

Trustee author-  
ized to convey  
real estate.

*Resolved*, For the reasons set forth in the petition of Jonathan W. Freeland, trustee, that he be, and he is hereby, authorized and empowered to convey, either at private sale, or at public auction, the real estate described in his said petition; and that the said Freeland be empowered to convey said premises, in fee simple, discharged from all trusts and liability for the purchase money: *provided, however*, that said Freeland shall first give such bond, with sureties, to the judge of probate of the county of Hampden, as the said judge shall approve, with condition to make such disposition of the proceeds of said sale as is contemplated and set forth in the last will and testament of William Freeland, late of West Springfield, in the county of Hampden, deceased. [*Approved by the Governor, May 21, 1856.*]

Provided

RESOLVE on the Petition of Edward J. Cushing.

Chap. 63.

*Resolved*, For the reasons set forth in said petition, that the Commonwealth hereby release to the parties in interest, all right, title and claim acquired by escheat or otherwise, in or to Bedford Court, in the city of Boston, or to the premises abutting thereon, in said petition described; so that Edward J. Cushing may hold the westerly estate, and the legal representatives of Samuel Sanford may hold the easterly estate, on said court, in rear of land formerly of Thomas Adams, on Bedford Street, henceforth free and discharged therefrom. [*Approved by the Governor, May 24, 1856.*]

Release of title to certain estate in Boston.

RESOLVE authorizing the Treasurer to borrow Money in anticipation of the State Tax. Chap. 64.

*Resolved*, That the treasurer be authorized to borrow, in anticipation of the State tax, such sums of money as may be necessary, from time to time, for the payment of any public debt which may fall due in the present year, and that he repay any sum he may borrow, as soon as money sufficient for the purpose, and not otherwise appropriated, shall be received into the treasury: *provided*, that the whole amount borrowed by virtue of this resolve and remaining unpaid, shall not at any time exceed the sum of six hundred thousand dollars. [*Approved by the Governor, May 28, 1856.*]

Treasurer may borrow the sum of \$600,000.

RESOLVES in favor of the State Farm at Westborough.

Chap. 65.

*Resolved*, That the sum of three thousand dollars be, and the same is hereby, appropriated for permanent improvements, including those already begun, for testing the true value of fertilizers and the comparative profits of different animals; for meeting the current expenses of the State farm at Westborough, and to enable the Board of Agriculture to execute properly the contract with the trustees of the State Reform School. But no part of said sum shall be expended in improvements which will require further appropriations for their completion.

\$3,000 appropriated for improvements.

*Resolved*, That the governor be, and he is hereby, authorized to draw his warrant for the above sum, to remain in the treasury, subject to the drafts of the treasurer of the Board of Agriculture, as the exigencies of the farm may require. [*Approved by the Governor, May 28, 1856.*]

RESOLVE on the Petition of Abner F. Hopkins.

Chap. 66.

*Resolved*, For reasons set forth in the said petition, that there be allowed and paid, out of the treasury of the Commonwealth, to Abner F. Hopkins, the sum of two hundred

\$200 allowed

dollars, as a remuneration in full for damages received, as set forth in his petition ; and the acceptance of this sum by the petitioner, shall be considered as his agreement to the provisions of this resolve ; and the governor is requested to draw his warrant accordingly. [*Approved by the Governor, May 28, 1856.*]

**Chap. 67.** RESOLVES concerning the State Normal School-houses at Bridgewater, Westfield, Framingham and Salem.

Appropriations  
for improvements  
at State normal  
school-houses.

*Resolved*, That the sum of one hundred dollars be appropriated to defray the expense of making repairs on the State normal school-house at Bridgewater.

*Resolved*, That the sum of two thousand five hundred dollars be appropriated for repairs and improvements necessary to be made upon the State normal school-house at Westfield.

*Resolved*, That the sum of two hundred and fifty dollars be appropriated to defray the expense of grading and ornamenting the grounds connected with, and putting blinds upon, the State normal school-house at Framingham.

*Resolved*, That the sum of two thousand five hundred dollars be appropriated for grading and fencing the grounds connected with the State normal school-house at Salem, and furnishing apparatus and furniture for the same ; and that the several sums aforesaid be disbursed under the direction of the Board of Education. [*Approved by the Governor, May 28, 1856.*]

**Chap. 68.**

RESOLVE in favor of the Boston Board of Trade.

Documents to  
Boston Board  
of Trade.

*Resolved*, That the secretary of the Commonwealth, the clerk of the senate and the clerk of the house of representatives, be authorized to furnish to the Boston Board of Trade, full sets of all printed documents which have been published by the order of the different departments of the State government, so far as they may be able to do so from the documents now in their possession, and to furnish them complete sets of all public documents, year by year, in future, upon application of said board of trade. [*Approved by the Governor, May 28, 1856.*]

**Chap. 69.** RESOLVE in favor of the Widow and Child of Nicholas Tillinghast, late Principal of the Normal School at Bridgewater.

\$1,810.82 allowed.

*Resolved*, That there be allowed and paid, out of the treasury of this Commonwealth, to Mrs. Ruby H. Tillinghast and William H. Tillinghast, the widow and child of Nicholas Tillinghast, late principal of the normal school at Bridge-

water, the sum of eighteen hundred and ten dollars and eighty-two cents; and the governor is hereby authorized to draw his warrant therefor accordingly. [*Approved by the Governor, May 28, 1856.*]

RESOLVE in favor of William Goday.

Chap. 70.

*Resolved*, That there be allowed and paid, out of the treasury of the Commonwealth, to William Goday, of Rockport, in the county of Essex, the sum of forty dollars a year during the remainder of his life, for injuries sustained by him while in the performance of military duty in the war of eighteen hundred and twelve; the same to be paid in semi-annual instalments of twenty dollars each, the first of which to be allowed and paid on the passage of this resolve; and warrants may be drawn accordingly. [*Approved by the Governor, May 28, 1856.*]

\$40 annually, to William Goday.

RESOLVE in favor of the Gay Head Indians.

Chap. 71.

*Resolved*, That a sum not exceeding two hundred and fifty dollars be, and hereby is, appropriated for the purpose of building that part of the boundary line fence between the town of Chilmark and the Indians of Gay Head, which said Indians are required to make; and also, a further sum, not exceeding one hundred and fifty dollars, for the purpose of planting beach grass upon the South Beach, in the territory of said Indians. The said sums to be expended under the direction and supervision of Abraham Rodman, or such other suitable person as his excellency the governor, by and with the consent of the council, may appoint for that purpose. And the governor is hereby authorized to draw his warrants upon the treasury in favor of the agent or superintendent, so appointed, accordingly. [*Approved by the Governor, May 28, 1856.*]

\$400 appropriated for certain purposes.

RESOLVE in favor of the Department of the Secretary of the Commonwealth.

Chap. 72.

*Resolved*, That the lower west basement room in the new department of the State House, heretofore occupied by the board of agriculture, and committees of the legislature upon that subject, be, and it is hereby, appropriated for the use of the department of the secretary of the Commonwealth, and that the same be fitted for his use, by the committee on public buildings, at an expense not to exceed the sum of four hundred dollars. [*Approved by the Governor, May 30, 1856.*]

Room for secretary's department.

**Chap. 73.** RESOLVE on Petition of Charlotte A. Woods, of Lancaster, in the County of Worcester, Guardian.

Guardian's sale  
of certain real es-  
tate confirmed.

*Resolved*, For reasons set forth in said petition, that the several deeds therein mentioned, bearing date the eighteenth day of May, in the year eighteen hundred and fifty-four, made and executed by said Charlotte A. Woods, as guardian of Anna L. Woods, Harriet E. Woods, Charlotte A. Woods, Mary S. Woods, Ellen Woods, and Alice P. Woods, minors, children of Matthew F. Woods, late of Lancaster, in the county of Worcester, deceased, for the conveyance to the several grantees in said deeds named, under license from the court of probate for said county of Worcester, granted April fourth, in the year eighteen hundred and fifty-four, of the interest of said minors in and unto certain real estate in said deeds mentioned and described, situate in said Lancaster, which deeds are as follows, to wit: Deed to Jonathan Forbush, recorded in Worcester County registry of deeds, book 530, page 118; deed to George Dodge, and Artemas Hawes, recorded in said registry, book 530, page 353; deed to Samuel Chickering, recorded in said registry, book 534, page 147; deed to Artemas Hawes, recorded in said registry, book 530, page 355; and deed to John G. Thurston, entered for record in said registry, April eleventh, in the year eighteen hundred and fifty-six, at 7 h. 40 m. A. M., be held good and sufficient in law for the conveyance to the said several grantees, of all the right, title, interest and estate of the said Anna L. Woods, Harriet E. Woods, Charlotte A. Woods, Mary S. Woods, Ellen Woods, and Alice P. Woods, minors, in and unto the several tracts of land and real estate mentioned or described in said several deeds, and intended thereby to be conveyed, and that the sales mentioned in said petition and the titles of said several grantees under the same, be, and the same are hereby confirmed. [*Approved by the Governor, May 30, 1856.*]

**Chap. 74.**

RESOLVES in relation to Accounts against the Commonwealth.

Accounts to be  
certified.

*Resolved*, That all accounts against this Commonwealth shall be approved by the person or persons under whose direction the charge was incurred, and be certified by the auditor; and no account shall be allowed for any matter or thing, for the doing or procuring of which authority shall not have been given by one or both branches of the legislature.

*Resolved*, That the printing, binding and procuring of stationery for the use of the executive council and the several offices in the government of this Commonwealth, shall

be under the direction of the respective heads of said departments; and for the use of the senate and house of representatives, under the direction of the respective clerks thereof; and the amounts therefor shall be certified accordingly.

*Resolved*, That all expenditures by the heads of departments, boards of commissioners, and all other persons acting under the authority of the Commonwealth, shall be embraced in the annual estimates of the auditor, and be provided for by annual appropriations.

*Resolved*, That no alteration shall be hereafter made in any of the apartments of the State House, or any fixtures be placed therein, or any furniture procured therefor, except by the sergeant-at-arms, with the approbation of the committee on public buildings.

*Resolved*, That the resolve passed on the eleventh day of June, in the year one thousand eight hundred and twenty-nine, and the resolves passed on the third day of April, in the year one thousand eight hundred and forty-six, relating to the auditing and examination of accounts against the Commonwealth, are hereby repealed. [*Approved by the Governor, May 30, 1856.*]

RESOLVE on the Petition of Augustus Wheeler and Lucy Wheeler, his wife. *Chap. 75.*

*Resolved*, For the reasons set forth in said petition, that Harriet H. Kendall, administratrix of the estate of George Kendall, late of Westminster, in the county of Worcester, deceased, be, and she hereby is, authorized and empowered to make, execute and deliver to the several purchasers in said petition named, suitable deeds for the conveyance to them, in accordance with the terms of their respective purchases under a sale made by said George Kendall, by virtue of the authority to him granted by the order and decree of the supreme judicial court in said petition referred to, of all the right, title and interest of said Lucy Wheeler in and unto the whole of the real estate in said petition mentioned, whereof Benjamin A. Gates, late of Gardner, in said county, deceased, died seized; and the titles of said purchases under such conveyances duly made by the said Harriet H. Kendall, administratrix under this resolve, shall be held to be as good and valid in law as if the estates so purchased by them as aforesaid, had been duly conveyed to them by the said George Kendall pursuant to said order and decree of court. [*Approved by the Governor, May 30, 1856.*]

Harriet H. Kendall, administratrix, authorised to execute deeds. &c.

## Chap. 76.

RESOLVES in relation to Lands in the Back Bay.

Release of title to  
Back Bay lands.

*Resolved*, That a joint committee, consisting of three members on the part of the senate, with five members of the house of representatives, be appointed, with full authority, subject to the approbation of the governor and council, to release, upon such terms and conditions as they shall think fit, the right, title and interest of the Commonwealth in and to any or all of the lands and flats in the Back Bay, for money, or such valuable consideration as they shall deem proper; and they shall deposit any money, or other securities received therefor, with the treasurer of the Commonwealth.

Proceedings in  
case release  
not deemed ad-  
visable.

*Resolved*, That in case the said committee and the governor and council shall not deem it best to release the interest of the Commonwealth in said lands or flats, as provided in the preceding resolve, they shall investigate the right, title and interest of the Commonwealth in said lands or flats; they shall have authority to devise plans for the improvement of said territory, or any part thereof, and for the flow of the tide into and out of the full basin, for the benefit of Boston Harbor, and to settle, arrange, adjust and compromise all differences, disputes and claims, with any parties interested, or claiming any right, title or interest in any lands in the Back Bay; and they may alter, reform or amend all contracts, whether by deed or otherwise, heretofore made by the commissioners on the Back Bay, subject to the approval of the governor and council, all parties to the same agreeing thereto; but they shall make no expenditures whatever, nor incur any liabilities for the improvement of said territory, until authorized so to do by the legislature; and said committee may sit in the recess of the legislature, if it shall be found necessary so to do, and the commissioners on the Back Bay shall be, *ex officio*, members of the said committee.

Capital of Boston  
Water-Power Co.  
increased \$275,-  
000.

*Resolved*, That to enable the Boston Water-Power Company to fill up and make the avenues and other improvements, which they have contracted with the Commonwealth to make, by their indenture, dated June ninth, eighteen hundred and fifty-four, they may increase their capital stock by the sum of two hundred and seventy-five thousand dollars: *provided, however*, that the said company, by an acceptance of this resolve, shall be held to relinquish to any person or corporation who may become parties to the said indenture, or to any modification thereof, made by virtue of the preceding resolve, the right of flowage of said company in either basin of said Back Bay, so far as to allow every

Proviso.

slavery upon Kansas, against the will of its inhabitants, and against the wishes of a majority of the people of the Union ; and *whereas*, through the neglect of the government of the United States to protect the settlers and redress their wrongs, they have been left, as a last resource, to fall back upon the original right of self-preservation, and have appealed to the American people for justification and assistance ; therefore,

Appeal for assistance.

*Resolved*, That we have heard the call for sympathy and aid which has come up to the people of the United States, from the settlers of Kansas, with the deepest solicitude ; that their sufferings have touched our hearts, and the manly defence of their rights has won our admiration ; and while we do not claim that as a state legislature we are clothed with power to initiate measures for their relief, we nevertheless present their case to the people of this Commonwealth, in full confidence that they will use all just and constitutional means to aid these heroic men in maintaining and defending their liberties.

Response to appeal.

*Resolved*, That the inhabitants of Kansas are justifiable in declining to recognize the code of laws which was forced upon the territory by the act of a body of men calling themselves a legislature, and yet composed, in part, of persons who were not settlers ; and that the president of the United States, in endorsing those enactments as the true laws of Kansas, and, in his threat that the settlers shall be made to obey them, even at the point of the bayonet, has exhibited a servility to a sectional slave interest, and an indifference to the fundamental principles of justice and freedom, which merit the condemnation of the American people.

Condemnation of laws justifiable.

*Resolved*, That this is a fit occasion to reassert the principle so often declared to be the doctrine of Massachusetts, that congress has power to prohibit slavery in the territories of the United States, and that this power should be exercised to its full extent.

Prohibition of slavery.

*Resolved*, That as the intrigues to thrust slavery upon Kansas have been growing more desperate ever since the repeal of the Missouri prohibition, until the question of free or slave territory is become a prominent and vital issue before the country, and threatens to drive the nation into a civil war, we hold that the speedy admission of Kansas into the Union as a free state, with her present constitution, is a measure of first importance to the welfare of that territory, and to the tranquillity and honor of the United States, and that our senators and representatives in congress are earnestly requested to use every exertion to bring about this result.

Importance of speedy admission as a free state.



Transmission of  
resolves.

*Resolved*, That his excellency the governor be requested to transmit a copy of these resolves to the president of the United States, to the governors of each of the states and territories, and to each of our senators and representatives in congress. [*Approved by the Governor, June 3, 1856.*]

### Chap. 81.

RESOLVE in favor of the State Prison.

\$9,200 appropri-  
ated.

*Resolved*, That there be allowed and paid out of the treasury of the Commonwealth, the sum of three thousand dollars, for new boilers at the State Prison, and for setting the same; and that the further sum of six thousand dollars be, and hereby is, appropriated to be expended in raising the wall around the prison three feet in height, and erecting an iron railing upon the same, and the further sum of two hundred dollars to replenish the library, and that the governor is authorized to draw his warrant accordingly. [*Approved by the Governor, June 3, 1856.*]

### Chap. 82.

RESOLVES concerning the Franking Privilege and Cheap Postage.

Low rates and  
free delivery of  
letters.

*Whereas*, Experience has demonstrated that a uniform and very moderate rate of postage is productive, in England, of profit to the government, as well as convenience and economy to the people; and *whereas*, very large sums are annually charged to the post office department in this country, by reason of the increased and increasing use of the franking privilege, and by appropriations in aid of the mail steamships, under cover of disbursements for ocean postage; and *whereas*, congress alone has the power to remedy existing evils in the department, and to furnish to our citizens the greatest possible facilities for intercommunication, by establishing uniform and low rates of postage; and *whereas*, the experience of the past sixteen years in England, shows that the community can be far better accommodated, and the government not only indemnified against loss, but remunerated, by a reform of the evils and abuses which now exist, and by the introduction of low rates and free delivery in large cities; therefore,

Senators and rep-  
resentatives in  
congress to use  
influence.

*Resolved*, That our senators and representatives in congress be requested to exert their influence to procure a thorough postal reform; especially by the introduction of a low and uniform rate of postage for the whole country; by making the franking privilege a direct charge to the government; by charging the expense of ocean steamers to the naval rather than the post office department, and by securing a free delivery of letters in large cities and populous districts.

*Resolved*, That his excellency the governor be requested to forward a copy of the foregoing preamble and resolve to each of our senators and representatives in congress. Transmission of resolves.  
*[Approved by the Governor, June 3, 1856.]*

**RESOLVES** providing for the pay of the Council, Senate, and House of Representatives. *Chap. 83.*

*Resolved*, That there be paid, out of the treasury of this Commonwealth, to each member of the senate and house of representatives, three dollars per day for each and every day's attendance during the present political year, and one dollar for every five miles' travel from their respective places of abode, once in each session, to the place of the sitting of the general court; and also to each member of the council, three dollars for each and every day's attendance at that board, at each session thereof, during the present political year, and one dollar for every five miles' travel from their respective places of abode once in each session thereof; and to the president of the senate and speaker of the house of representatives, each, the sum of three dollars per day for each and every day's attendance, in addition to their pay as members; and that warrants be drawn accordingly. \$3 per day, to each member, and travelling expenses. \$3 per day extra to president of senate and speaker of house.

*Resolved*, That there be allowed and paid, out of the treasury of the Commonwealth, to the clerk of the senate and to the clerk of the house of representatives, each, the sum of ten dollars per day; to the assistant-clerk of the senate and to the assistant-clerk of the house of representatives, each, the sum of eight dollars per day for each and every day they may have been employed during the present session of the present legislature, and the same sum per day, as is herein provided for those officers for such further time as they may be employed, not exceeding twelve days after the rising of the general court, in arranging the papers and documents of the session; and that there be further paid to the clerk of the senate and to the clerk of the house of representatives, the sum of three hundred dollars each, for preparing duplicate copies of the journals for the library, as required by the orders of the two houses; and to the clerk of the house of representatives such further sum as he may have paid for the preparation of the printed journal; and that warrants be drawn accordingly. \$10 per day to clerks. \$8 per day to assistant-clerks. Compensation for arranging documents. \$300 to each clerk for preparing duplicate copies of journal, &c. Further sum.

*Resolved*, That there be allowed and paid, out of the treasury of this Commonwealth, to the chaplains of the senate and house of representatives, each, the sum of two hundred dollars, for their services during the present ses- Chaplains to receive \$200 each.

sion ; and that warrants be drawn accordingly. [*Approved by the Governor, June 3, 1856.*]

**Chap. 84.** RESOLVE on the Petition of George O. Fairbanks and others, of Fall River.

Mayor indem-  
nified for destroy-  
ing liquors.

*Resolved*, That the mayor of Fall River be, and he hereby is, authorized to destroy, or cause to be destroyed, all the spirituous and intoxicating liquors, and the vessels containing the same, which have heretofore been seized in said Fall River under the three hundred and twenty-second chapter of the statutes of eighteen hundred and fifty-two, and for which indemnity has been or may hereafter be made from the treasury of the Commonwealth under the two hundred and seventy-first chapter of the statutes of eighteen hundred and fifty-five, to the magistrate, officers and others concerned in said seizure, and that said mayor pay all legal charges, to an amount not exceeding seventy-five dollars, for the removal and storage of the same, and that the governor draw his warrant therefor, in favor of said mayor, after satisfactory proof that said liquors have been so destroyed. [*Approved by the Governor, June 3, 1856.*]

**Chap. 85.** RESOLVE in favor of Ansel Wright and George F. Wright, of Northampton, Deputy-Sheriffs.

\$1,127.80 al-  
lowed.

*Resolved*, That, for reasons set forth in the petition of Ansel Wright and George F. Wright, of Northampton, there be allowed and paid, out of the treasury of the Commonwealth, to the petitioners, the sum of eleven hundred and twenty-seven dollars and eighty cents ; and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, June 4, 1856.*]

**Chap. 86.** RESOLVE on the Petition of Lydia V. Dickson, praying that she may receive the Personal Estate of Elizabeth Lewis, deceased.

Public adminis-  
trator to pay re-  
mainder of es-  
tate to Lydia V.  
Dickson.

*Resolved*, That, for reasons set forth in said petition, Duncan Bradford, Esquire, public administrator for the county of Middlesex, be, and he is hereby authorized, to pay over to Lydia V. Dickson, the amount of money that shall remain in his hands, as public administrator, the proceeds of the effects and estate of the late Elizabeth Lewis, deceased, after paying the claims against said estate ; and the receipt of the said Lydia V. Dickson therefor, filed by him in the office of the treasurer of the Commonwealth, shall be equivalent to paying the amount represented in such receipt, into the office of the treasurer of the Commonwealth, and shall be held a compliance with his duty, and a discharge of his official bond in the same manner, and to

the same extent as the payment of the same sum into the office of the treasurer aforesaid would be. [*Approved by the Governor, June 4, 1856.*]

RESOLVE in relation to the Massachusetts Records.

Chap. 87.

*Resolved*, That the contract for printing an edition of the Massachusetts Records, under the authority of the resolve passed on the fifteenth day of March, in the year one thousand eight hundred and fifty-six, shall be limited to three years from the date thereof. [*Approved by the Governor, June 4, 1856.*]

Printed in three years.

RESOLVE relative to the pay of Henry A. Marsh.

Chap. 88.

*Resolved*, That there be allowed and paid to Henry A. Marsh, the assistant-clerk of the house of representatives, the full amount of compensation that he would have been entitled to, had he been present in the discharge of his duties during the whole of the present session of the legislature. [*Approved by the Governor, June 4, 1856.*]

Pay to assistant-clerk.

RESOLVE in favor of Isaiah Stoddard.

Chap. 89.

*Resolved*, That there be allowed and paid, out of the treasury of the Commonwealth, to Isaiah Stoddard, late assistant door-keeper to the house of representatives, the pay to which he would have been entitled during the present session of the legislature, were he not prevented by sickness from the performance of his duties; and the governor is requested to draw a warrant therefor. [*Approved by the Governor, June 4, 1856.*]

Pay to assistant door-keeper.

RESOLVE in aid of the New England School of Design for Women.

Chap. 90.

*Resolved*, That the sum of one thousand dollars annually, for two years from the first day of June next, be appropriated to the support of the New England School of Design for Women, payable in quarterly payments; and that his excellency the governor be authorized to draw his warrants therefor accordingly. [*Approved by the Governor, June 4, 1856.*]

\$1,000 annually, for two years.

RESOLVE concerning the State Reform School for Boys, at Westborough.

Chap. 91.

*Resolved*, That the sum of thirty-five thousand dollars be, and the same is hereby, appropriated to be applied by the trustees of the State Reform School at Westborough, for the support of that institution; and that the governor draw his warrant accordingly. [*Approved by the Governor, June 4, 1856.*]

\$35,000 appropriated.

**Chap. 92.** RESOLVES in relation to certain Resolutions of the Legislature of Connecticut.

*Resolved*, That the general court of Massachusetts receives with lively satisfaction and gratitude, the fraternal resolutions of the general assembly of Connecticut, expressing their sentiments of abhorrence in relation to the recent act of cowardly violence upon the floor of the senate chamber; their noble determination to unite with Massachusetts in defence of the vital right of freedom of speech, and their manly sympathy with her in the indignity offered to the State in the person of her senator.

*Resolved*, That his excellency the governor be requested to transmit a copy of the above resolution to the governor of Connecticut, to be laid before the legislature of that State. [Approved by the Governor, June 4, 1856.]

**Chap. 93.**

RESOLVE concerning the publication of the State Laws.

\$300 to Boston  
Daily Bee, for  
publishing laws.

*Resolved*, That there be allowed, to be paid out of the treasury of the Commonwealth, to the proprietors of the Boston Daily Bee, such sum, not exceeding three hundred dollars, as in the opinion of the governor and council, may be deemed proper, in consideration of publishing the laws of the Commonwealth for the current year; and the governor is authorized to draw his warrant for the same. [Approved by the Governor, June 6, 1856.]

**Chap. 94.**

RESOLVE in favor of the State Almshouse at Bridgewater.

\$1,407.48 al-  
lowed.

*Resolved*, That there be allowed and paid, out of the treasury, the sum of fourteen hundred and seven dollars and forty-eight cents, to liquidate the debt against the State Almshouse at Bridgewater, and that the governor be authorized to draw his warrant accordingly. [Approved by the Governor, June 6, 1856.]

**Chap. 95.**

RESOLVES to provide for the Expenses of the Insurance Commissioners.

\$350 to commis-  
sioners.

*Resolved*, That there be allowed and paid to the insurance commissioners, the sum of three hundred and fifty dollars; said amount having been expended by them in addition to the amount granted by resolve of May nineteenth, eighteen hundred and fifty-five.

\$261.68 for rec-  
ord books, &c.

*Resolved*, That the treasurer be, and is hereby, authorized to pay to Eayrs and Fairbanks the sum of two hundred and sixty-one and sixty-eight hundredths dollars; said sum being amount of their bill for record books, blanks and stationery furnished said board of commissioners, the same being required by the provisions of section third of the one

hundred and twenty-fourth chapter of the acts passed in the year one thousand eight hundred and fifty-five.

*Resolved*, That the sum of three hundred dollars be, and is hereby, appropriated for the payment of the contingent office expenses of said board of commissioners, for the ensuing year; and that the governor draw his warrant accordingly. *[Approved by the Governor, June 6, 1856.]*

RESOLVE in addition to a Resolve in aid of the New England School of Design for Women. *Chap. 96.*

*Resolved*, That the appropriation in aid of the New England School of Design for Women, made by the resolve approved by the governor June fourth, eighteen hundred and fifty-six, shall take effect and be payable from and after the first day of June, in the year eighteen hundred and fifty-six, instead of the first day of June next, as provided in said resolve. *[Approved by the Governor, June 6, 1856.]*

RESOLVE relating to the compensation of the Door-Keepers, Messengers and Pages of the General Court. *Chap. 97.*

*Resolved*, That there be paid, out of the treasury of the Commonwealth, to the door-keepers, messengers and pages of the general court, the sum of seventy-five cents per volume, for filing the documents of the senate and house, also, the journal, for the members of the general court, during the present session; and that the governor draw his warrant accordingly. *[Approved by the Governor, June 6, 1856.]*

RESOLVE for Repairs on the State House.

*Chap. 98.*

*Resolved*, That the sum of seven thousand two hundred and thirteen dollars be appropriated for making the necessary repairs and alterations upon and about the State House, and for payment of expenses already incurred thereon; and that the governor be authorized to draw his warrant accordingly. *[Approved by the Governor, June 6, 1856.]*

RESOLVE concerning the Pilgrim Society of Plymouth.

*Chap. 99.*

*Resolved*, That the sum of three thousand dollars be, and hereby is, appropriated for the purpose of contributing an alto-relief, in marble, of the landing of the Pilgrims, to be placed, as designed, in one of the panels of the national monument which the Pilgrim Society is about erecting at Plymouth, to the memory of the forefathers of this Commonwealth. And his excellency the governor is hereby authorized, with the advice and consent of the council, to

draw his warrants therefor accordingly, payable to the treasurer of said society in such sums as may seem expedient, in proportion to the entire work. [*Approved by the Governor, June 6, 1856.*]

**Chap. 100**

Secretary, &c.,  
to contract with  
William White,  
to execute State  
printing.

RESOLVE concerning the Printing for the Commonwealth.

*Resolved*, That the secretary of the Commonwealth, the State auditor, and the clerks of the senate and house of representatives, be directed to contract with William White, in the name and on behalf of the Commonwealth, that said White shall execute the printing for the various departments for one year from the first day of April, eighteen hundred and fifty-six, at the rates specified in the contract of last year: *provided*, that bonds satisfactory to the secretary of the Commonwealth to the amount of five thousand dollars, be given by said White for the faithful performance of said contract. [*Approved by the Governor, June 6, 1856.*]

**Chap. 101**

\$376 for extra  
clerk hire.

RESOLVE relating to extra Clerk Hire.

*Resolved*, That there be paid and allowed, out of the treasury of the Commonwealth, to the clerk of the house of representatives, for the payment of the extra clerk hire employed by him, the sum of three hundred and seventy-six dollars, and the governor is hereby authorized to draw his warrant accordingly. [*Approved by the Governor, June 6, 1856.*]

**Chap. 102**

\$750 for indexing  
journals of Sen-  
ate, &c.

RESOLVE concerning the Journals and Papers of the Senate.

*Resolved*, That the clerk of the senate cause to be continued the general index of the journals of the senate, commenced by the late clerk, and cause a copy of the same to be made and deposited in the State library; and that he also cause to be completed the catalogue and index of the files of the senate, to the end of the present session: *provided*, that the whole expense of the work hereby authorized to be done, shall not exceed the sum of seven hundred and fifty dollars; and that the governor be authorized to draw his warrants monthly to defray the expense of the same. [*Approved by the Governor, June 6, 1856.*]

**Chap. 103**

\$2,500 for certain  
contingent ex-  
penses, &c.

RESOLVE for the payment of the Contingent Expenses of the Council, Legislature and Offices in the State House, for the year one thousand eight hundred and fifty-six.

*Resolved*, That there be paid, out of the treasury of the Commonwealth, to the sergeant-at-arms, a sum not exceeding two thousand five hundred dollars, to enable him to defray certain contingent expenses of the council, general

court, and offices in the State House, for the present year ; and also to enable him to pay any sum not covered by the appropriation made for the same purposes, in the year one thousand eight hundred and fifty-five ; and the governor is hereby authorized to draw his warrants, from time to time, accordingly. [*Approved by the Governor, June 6, 1856.*]





# INAUGURAL ADDRESS

OF

HIS EXCELLENCY HENRY J. GARDNER.

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REPRESENTATIVES' CHAMBER, Jan. 3, 1856.

*At one o'clock, His Excellency the Governor, accompanied by His Honor the Lieutenant-Governor, the members of the Executive Council, and the various officers of the government, attended by a Joint Committee of the two Houses, and the Sheriff of Suffolk, met the Senate and House of Representatives, in convention, and delivered the following*

## A D D R E S S .

*Gentlemen of the Senate  
and of the House of Representatives :—*

We have been called, by the suffrages of our fellow-citizens, from our various occupations and pursuits, and intrusted with the responsibilities and duties attaching to the executive and legislative branches of our State government, for the present year. In the language of the Constitution, "acknowledging with grateful hearts the goodness of the great Legislator of the Universe, in affording us, in the course of His providence, an opportunity, deliberately and peaceably," to meet together for duly considering the com-

mon wants of our common constituency, and "devoutly imploring His direction in so interesting a design," may we devote our best efforts, without personal considerations, party bias, or local prejudices, to promote the true interests of the people of Massachusetts.

The semi-decennial census, taken during the past summer, in pursuance of the Resolve of 1855, presents an authentic and most gratifying record of the rapid increase of our State in population, and in the magnitude of her various agricultural, mechanical and commercial resources. Never before has she been permitted by a gracious Providence to advance so rapidly, in every thing which conduces to the prosperity and happiness of a community.

The statistics of her industrial pursuits are not yet so classified and arranged, as to permit me to state with accuracy their aggregate results; but I am enabled to announce that the population of Massachusetts, by that census, is *one million one hundred and thirty-three thousand and thirty-three*, showing an increase of nearly one hundred and sixty thousand persons during the past five years. The following is a table of the total population, as exhibited by each census since 1800, the amount of the increase in each decade, and the average gain per cent., per annum:—

Years.	Census.	Increase in numbers.	Average gain per cent. per annum.
1800, . . . . .	422,845		
1810, . . . . .	472,040	49,195	1.11
1820, . . . . .	523,287	51,247	1.04
1830, . . . . .	610,408	87,121	1.55
1840, . . . . .	737,700	127,292	1.91
1850, . . . . .	973,715	236,015	3.20
1855, (5 years,) . . . . .	1,133,033	159,318	3.27
Increase in 55 years, . . . . .		710,188	
Census of 1800, . . . . .		422,845	
Census of 1855, . . . . .		1,133,033	

The Legislature of 1854 initiated several important amendments to our Constitution, all but one of which received the necessary sanction of the Legislature of 1855, and were ratified by the popular vote on the 23d of May last. They provide that a plurality of votes shall elect in the popular choice of all civil officers under the Constitution,—that the time of the State election shall be changed to conform to the day fixed by Congress for the choice of presidential electors,—that eight Executive Councillors, the Secretary, Treasurer, Auditor, and Attorney-General, shall

be chosen by popular vote,—that the school moneys shall not be applied to the support of sectarian schools,—and that the Legislature shall prescribe by general law for the choice of District-Attorneys, Sheriffs, Registers of Probate, Commissioners of Insolvency, and Clerks of Courts, by the people.

It becomes therefore your duty at the present session, to “divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one Councillor;” also, “to prescribe by general law, for the election of Sheriffs, Registers of Probate, Commissioners of Insolvency, and Clerks of the Courts, by the people of the several counties,” and “District-Attorneys by the people of the several districts.”

I deem it a source of great regret that the other amendment, relative to a reduction in the number of the House of Representatives, and a division of the State into equal Senatorial and Representative Districts, based upon the number of legal voters, which passed the Legislature of 1854, by the constitutional majorities, should have been defeated at the last session. Our popular branch is by far the largest deliberative body in the Union; too large for a prompt and economical discharge of its duties; and, unwieldy as it has been, the plurality law will probably add a hundred members to its average number. The experience of nearly every session demonstrates that the Senate passes weeks of comparative idleness, while waiting for the concurrent action of the House. A simple calculation shows, that were our popular branch to approximate in number those of New York, Ohio or Pennsylvania,—having two or three times the population of Massachusetts,—the cost of our legislation would be diminished one hundred thousand dollars per annum, even without taking into consideration the reasonable probability that the length of the sessions would thereby be diminished. The present basis of representation, though perhaps as fair as any which is feasible while the present system remains, causes much complaint of inequality and injustice among portions of our citizens; while an equal district system, where every man has a direct vote every year for his immediate representative, is certainly as fair and impartial as can be practicably devised. Persuaded that this is simply a question of time, I submit to your consideration whether it is not expedient, at the present session, to make another effort to accomplish this object.

The Legislature of 1855 initiated also several constitutional amendments, which necessarily come before you.

The first provides that "no person owing allegiance to any foreign prince, power or potentate, shall be eligible to any office under the Constitution of this Commonwealth." And another intended to provide that none but the native born shall be eligible to office, and that no alien shall be allowed to vote unless he has been a resident within the United States twenty-one years and legally naturalized.

Believing, as I profoundly do, that the principles embraced in these amendments are of the deepest importance to the preservation of a republican government, I earnestly trust that they may receive your sanction. The teachings of history, as well as the uniform convictions of every enlightened and philosophic thinker upon the principles of self-government, tend to the conclusion, that the unshackled freedom of individual opinion and the education of the individual mind, form the only true foundations of rational liberty and true republicanism. The more these truths are disregarded, the more certain it is that liberty under democratic institutions will degenerate into anarchical license, or give place to a slavish and bigoted superstition.

This Republic of ours, of continental dimensions, stretching from ocean to ocean, from the extreme verge of the temperate zone almost to the tropics, destined, within the life time of some of the present generation, to embrace within its borders a hundred millions of people, of diverse origin, of varied occupations and conflicting interests,—the model and trust of the struggling nations of the old world,—is yet an experiment. In its very grandeur there are elements of danger, and its present success gives rise to a commensurate feeling of solicitude.

It is our solemn duty, and one that no true son of Massachusetts, or of America, will shrink from, to guard against every evil that threatens the perpetuity of our institutions. It demands of every patriot, by whatever party name he prefers to call himself, to do all that in him lies to protect the sacred privilege of the ballot, and the power of making and enforcing the laws, from the hands of those who of necessity cannot comprehend the nature of our republican institutions. No man being deprived of his present rights constitutionally guaranteed to him, none prevented from finally attaining the privilege of joining with us in the selection of our common rulers, all who seek our shores may be admitted to our franchises, when they shall have passed through the same period of probation required of the native born, and have become familiar with the theory, accustomed to the workings, and been taught by experience, the benefits

of our system of self-government. No right is abridged that international comity demands, but we ourselves, hitherto an exceptional case in the family of nations, now seek to place those safeguards around our own institutions, that every Christian government of the old world has been taught by experience or necessity were essential to the protection of its own.

The necessity of this course is apparent in every year's experience;—its paramount duty is impressed upon us by the concurrent teachings of the patriotic living statesmen and the illustrious dead;—its absolute importance is written in the rise and fall of every extinct republic;—we read it in the wise laws of every contemporaneous civilized government:—the obligations of our official station and our duty alike to the stranger who shall come among us, and to our children who shall come after us, demand it at our hands.

When the original founders of our Republic erected the framework of our institutions, at a period when the immigration to our shores was but five thousand per annum, with just and patriotic jealousy of those reared under opposing systems of government, and scanning with searching eye the experience of history, they wisely declared, by an organic and fundamental law, that the chief executive officers of our government, those to whom alone are intrusted the gravest duties and highest responsibilities, of selecting the Cabinet, of appointing the Judiciary, of signing or vetoing all national enactments, of commanding the army and navy, of making treaties in conjunction with the Senate and of presiding over the august deliberations of that body, should be those alone who were then citizens, or should thereafter be born within the jurisdiction of the United States. Were those patriots to-day to reconstruct their work, with the experience of the past three-quarters of a century before them, with that trifling number swollen into the immense annual immigration of five hundred thousand, half a million souls,—a population of a great state, and surpassing that of many of our confederacy,—increasing with an increasing ratio,—it is not too much to suppose that the safeguard as to birth then applied to our highest officers, would be extended to all, if not also to every voter whose ballot is instrumental in their election.

That duty is handed down from them to us. Nobly and fearlessly did they perform what fell to their generation, confident in the belief and expectation that their children

could be safely left in their turn to complete their work, as experience should require, or danger demand.

I have spoken of the *principles* of the amendments you will be called upon to consider. Unfortunately, in the hurry of the closing days of the session, the phraseology of the one last referred to is so imperfect as to need, in my judgment, essential modification, and therefore, renders necessary its renewed passage in an amended form. It provides that "no person shall be entitled to vote in this Commonwealth, unless he shall have been a resident within the jurisdiction of the United States twenty-one years, and legally naturalized." Doubtless the phrase "of foreign birth" was intended to have been inserted immediately after the first two words.

In consonance with the above principles, I would also suggest the expediency of a constitutional amendment, similar to that which the people of a neighboring State have recently ratified, that no person shall be permitted to vote who cannot read and write.

One additional amendment yet remains for your consideration, which provides that "no person shall be imprisoned for any debt hereafter contracted, except in cases of fraud." I also commend this measure to your favorable action.

The power conferred by the Constitution of our State, upon its chief executive magistrate, of vetoing the acts of the Legislature, is granted in general terms, without limitation as to cause, and has frequently been exercised by many of my predecessors. It has long been the opinion, however, of some of our most eminent statesmen, that the true theory of a republican government, and a wise statesmanship, inculcate, that except where the executive is convinced of the unconstitutionality of the measure proposed, or in the event of evidently hasty and ill-considered legislation, the deliberate desire of the immediate representatives of the people should not be thwarted by the interposition of the veto power.

Entertaining these views, I have heretofore given my approval, in some cases, to acts and resolves, the expediency of which I somewhat doubted, or which were merely declaratory of the sentiments of the Legislature. This rule will continue to guide my action; but from all measures presented for my consideration, involving, in my deliberate judgment, constitutional doubts, I shall in the future, as I have heretofore, unhesitatingly withhold my sanction.

One Act of this nature, notwithstanding the decided opinion of the Attorney-General, that it was "clearly re-

pugnant to the provisions of the Constitution of the United States," and "that in his judgment the bill is in violation of the Constitution" of Massachusetts, notwithstanding it attempts in express terms to give the sanction of law to what our Supreme Court, in an opinion signed by all its Justices, in reply to a question propounded to them by the Executive, with the advice and consent of the Council, declared could not "rightfully or legally" be done, notwithstanding also the consequent withholding of the Executive approval from it, became, by the requisite constitutional majorities, the law of Massachusetts.

The people of our State, knowing how essential a sacred observance of law is to the perpetuity of our, or any, republican institutions, recognizing the blessings derived from the Constitution of the United States, both for security at home, and dignity abroad, unhesitatingly acknowledge all their obligations to obey the requirements of that instrument. When one of the confederated States futilely attempted to nullify its powers, there was but one feeling of reprobation throughout all our borders. The ablest statesman Massachusetts ever intrusted with her interests on the floors of Congress, by his successful maintenance of the paramount authority of the Constitution of the United States, displayed a comprehensiveness of statesmanship, which was even greater than the majestic eloquence with which he vindicated his position.

The passage of this Act is deeply to be deplored, because "it asserts or looks to the maintenance of rights not clearly and constitutionally ours," which course of action, in my Inaugural Address, I strenuously urged the last Legislature to avoid,—because it weakens the moral effect of the influence of our State,—because it sets an example, which, if followed by other members of the confederacy, will most certainly destroy our only bond of union,—and because it tends to an armed conflict between the State and the National governments. Either this law must remain a dead letter on our statute book, unenforced when the hour of trial comes, thus reducing Massachusetts to the humiliating position of enacting a law she has not the courage to enforce, or else, if the attempt is made, it must be supported by the whole military array of the State in direct and immediate conflict with the army of the United States. There is no alternative but submission, or open war.

While Massachusetts will be loyal to her constitutional obligations, she demands that all her constitutional rights shall be respected. She asks the fulfilment of national



compacts, the faithful performance of the sacred agreements of the fathers, and, though the Act referred to has temporarily diminished the moral weight of this demand, its repeal will go far to give her voice its former power. Her people, in common with the entire North, and many at the South, believing slavery to be a moral, social and political evil, claim no power to interfere with it in those States, where by local law it exists; but they demand, by a united voice in both branches of Congress, and by almost as united a sentiment at home, that it shall not be suffered to extend itself into those territories where by solemn covenant our nation has stipulated that it should never enter. The dispassionate judgment of our citizens will at once teach them that this end, so much to be desired, cannot be promoted, but, on the contrary, must be seriously retarded, by the passage, or continuance on our statute book, of a law of acknowledged unconstitutionality.

I therefore recommend that so much of this Act, entitled "An Act to protect the Rights and Liberties of the People of the Commonwealth of Massachusetts," as may conflict with the Constitution of the United States, and all laws made in pursuance thereof, be repealed.

The last Legislature enacted a law for the suppression of the sale of intoxicating liquors, with more stringent provisions and heavier penalties than have heretofore entered into our legislation upon this subject. The question as to its expediency, and the good or evil results flowing from this enactment, were widely discussed before your constituents, and have materially affected the constitution of the present legislative body. Coming from all portions of the Commonwealth, with personal knowledge as to the practical operation of this Act, and the wishes of the people regarding it, and possessing the means of judging whether the past year's experience leads to a reasonable expectation that it can accomplish the purposes for which it was designed, your action in reference to it is awaited with great solicitude. Intemperance is a gigantic evil. Measures for its remedy demand the deepest feeling of the philanthropist, the profoundest thought of the patriot, and the wisest counsel of the statesman. I trust that your deliberations and conclusions will result in substantial and abiding good to our entire community, and to that end you shall have my warmest sympathies and heartiest coöperation.

There is one evil of comparatively recent growth, but of so grave a nature as to merit your consideration, which annually costs the State large sums of money, both by pro-

longing the session, and by causing injudicious or unnecessary grants, which the Legislature can materially lessen, if not wholly remove, by a course its own dignity and the welfare of the Commonwealth alike demand. I refer to the constant attendance on the sessions of the Legislature, of individuals who sell their adventitious personal or political influence to the highest bidder, for the purpose of procuring special charters, privileges or grants. Indifferent to the real merits of the questions at issue, anxious only to secure their own pay, usually contingent on their success, they officiously press their solicitations upon the honest and unsuspecting legislator, and by partial and often false representations, secure the passage of measures by the use of means which render impartial debate impossible, and public deliberation a delusion. When legislation is transferred from the Hall and the Chamber to the Lobby,—when the legitimate action of the duly constituted committees is superseded by practices subversive of fair investigation, when ordinary business, and meritorious and unobtrusive claims are overridden by the clamorous demands of schemes bolstered into undue importance by a factitious public opinion, it is well to revert to the primary objects and theory of public deliberative assemblies.

The financial condition of our State is such as to demand rigorous and minute economy in every branch of public expenditure. It is my firm conviction that grants of money have been made, and expenditures authorized by the Legislature, for several years past, that the condition of our treasury, and the public necessity, did not warrant. The time has fully come when all such grants should cease; and I consider it, after mature reflection, to be my duty, in every instance hereafter, while I occupy my present post, to deem such appropriations proper objects of an executive veto, and to withhold my approval from any bill by which they may be authorized.

For a number of years the annual deficit has been growing larger, and the excess of expenditure unprovided for, increasing, until now the sum of \$825,000 is necessary, beyond our probable receipts, to enable us to liquidate our floating indebtedness at the close of the present year. The question as to what course shall be adopted to accomplish this end, you are called upon to determine. The State owns \$750,000 of stock in the Western Railroad, but in my judgment it would be highly impolitic, if practicable, to sell it at the present time. We have a just claim against the general government, amounting to \$227,176.48, for services performed, and expenditures actually made, to repel invasion

## GOVERNOR'S ADDRESS.

during the war of 1812. If this sum is reimbursed at the present session of Congress, as it should be, and as every other claim of a similar nature already has been, it would absorb one-quarter of this floating debt. An indefinite, and by present law, unsalable interest in the Back Bay Lands, is the only other property possessed by the State, the proceeds of which are not devoted to specific purposes. Under these circumstances, it only remains to fund this floating debt or a portion of it, or to pay it by direct taxation.

The Auditor has furnished me with the following table of approximate expenditures and receipts for 1855, which are contrasted with those of 1854:—

Expenditures.	1855.	1854.
Legislative and Executive, . . . .	\$473,250 00	\$354,398 00
Scientific and Educational, . . . .	19,969 00	20,686 00
Interest on Public Debt, . . . .	108,517 00	100,652 00
Charitable and Humane Purposes, . .	380,656 00	236,252 00
Correctional and Preventive Purposes, .	286,961 00	170,355 00
Military, . . . . .	78,339 00	67,489 00
Pub. Buildings not provided for by scrip,	130,640 00	
	<hr/>	<hr/>
	\$1,378,382 00	\$949,832 00
<b>Receipts.</b>		
Bank Tax, . . . . .	\$578,983 00	\$525,868 00
Alien Passengers, . . . . .	9,848 00	50,000 00
Income from Western Railroad, . . .	101,169 00	119,896 00
Sundry accounts, . . . . .	8,410 00	9,308 00
Cash on hand, . . . . .	18,609 00	13,410 00
	<hr/>	<hr/>
	\$717,019 00	\$718,282 00
Add State Tax, . . . . .	450,000 00	*150,000 00
	<hr/>	<hr/>
	\$1,167,019 00	\$868,282 00
Excess of expenditures over receipts, .	\$211,313 00	\$81,550 00
The Auditor estimates the ordinary expenditures for the		
present year at about . . . . .		\$1,121,600 00
And the receipts at about . . . . .		717,600 00
		<hr/>
Showing a probable deficiency for this year of . . . .		\$404,000 00
Add to this the aggregate deficits previous to 1854,		
amounting to about . . . . .		128,000 00
The deficit for 1854, . . . . .		81,550 00
And the deficit for 1855, . . . . .		211,313 00
		<hr/>
And it shows the amount of our floating debt, at the close		
of our present financial year, to be . . . . .		\$824,863 00

\* There is an error of \$150,000 in the amount of the State tax for 1854, in the schedule furnished by the proper department, but the estimates remain as originally presented to the legislature.

Over half of the increase in the item of the Executive and Legislative Department for 1855, arises from the fact, that the House was larger than previous ones, and that the session was protracted to an unusual, though not unprecedented length, when it would have been greatly shortened but for the enormous pressure upon it of innumerable petitions for State aid to private schemes, and for grants of special franchises; while about \$9,500 have been paid as indemnification for officers, and for refunding fines under that provision of the prohibitory liquor law of 1852 declared unconstitutional; and \$46,000, or nearly all the remaining increase, has been incurred for State Printing, Indexes and Journals. The excess of \$96,000 in the Charitable and Humane expenses, is made up of an extraordinary grant of \$25,000 to the Idiotic School, and from the additional expenses of the four State Almshouses and new Lunatic Hospital, arising from the increased cost of the necessaries of life, and for their support during the whole year, instead of but eight months for the former and nine for the latter, as in 1854. The excess under the head of Correctional and Preventive expenditures, is attributable to the increase of the county balances, while the item of \$130,640 for public buildings not provided for by scrip, comprises appropriations to that amount for the addition to the State House, for the four State Almshouses, and the Taunton Hospital, from the *ordinary revenue*, instead of the usual course of providing for such expenditures by a loan. The deficit in the receipts for Alien Passengers is owing to \$13,000 appearing in last year's account, which sum was actually received previously, and from the gratifying circumstance that the number of immigrants arriving in our State has sensibly diminished.

Under the grants of the last session to the four State Almshouses, such necessary alterations in the structures have been made as the safety of the inmates actually required. At Rainsford Island a brick hospital has been commenced, though not yet wholly completed, calculated to contain a hundred female patients. At the three others, fire-proof buildings of brick and stone have been erected for domestic purposes, and no fires are now needed or used in the main buildings, excepting to heat them. The farms connected with each have been much improved, and a large proportion of the vegetables required by their occupants, has been produced by their labor. Their schools are in a satisfactory condition. Daily religious services are held in one of them, and in all on the Sabbath.

The past year has also witnessed some improvement in

furnishing the inmates of these institutions with employment. In agricultural and domestic labor, the larger portion of the paupers have been occupied. Still much remains to be done to secure to each some species of labor that will prevent the lazy from seeking a shelter, add to the health and comfort of all, and diminish, to some extent, the cost of their support.

I again suggest, for the consideration of the Legislature, the propriety and necessity of enlarging the powers of the Board of Alien Commissioners. It may be deemed advisable that a Board devoted solely to these duties, should be created, to consist of two persons besides the Alien Passenger Agent. They should have the entire regulation of the admission and transfer of paupers to the different Almshouses,—of removing the alien pauper insane to the Lunatic Hospitals,—of sending paupers out of the State to those places where they have a settlement,—and authority to apprentice minors,—to examine books of Savings Banks when there is reason to believe persons claiming support as foreign paupers have funds there invested,—to take measures to reimburse the State for what may have been expended for their support,—to sue for the recovery of any debts due, or property belonging to them, for the same end,—to pay the cost of transporting paupers to their friends when the interests of the Commonwealth require it,—to investigate all cases of supposed settlements against towns or cities,—and to institute legal proceedings for reimbursement of expenses incurred within six years previous.

One of the main purposes in establishing the State Almshouses, was to prevent the constant conflict between the Town and State authorities, regarding the support of paupers; but the law of last year, allowing towns payment for transporting them to these institutions, and for keeping those represented as sick, reopens this very difficulty. The law, moreover, is liable to great abuse. It has, during the short time of its operation, involved the State in an unnecessary expense of several thousand dollars, and therefore should be repealed.

Under the vigilant and systematic supervision of the present officers, the State has been relieved during the year from the support of the following number of paupers:—

Sent from Boston to Liverpool, . . . . .	295
Sent from Boston to various other places where they had settlements, . . . . .	341
And, under the law of May 24th, 1851, there have been returned to various places out of the State, from Boston, . . . . .	378
	<hr/> 1,014

From State Almshouse at Tewksbury, . . . .	114	
From State Almshouse at Bridgewater, . . . .	119	
From State Almshouse at Monson, . . . .	61	
		294
Total, . . . . .		1,308

Had the laws not been thus enforced, it is believed that every one of these persons would now be inmates of our State Institutions, at a cost this year of at least *one hundred thousand dollars*, and the same amount per annum, hereafter, while they remained. Nearly every one of those shipped to Liverpool, went with their own consent, though some of the number, it appeared, were originally sent to this country as criminals or paupers. Had they been retained here, and we continued to allow our State to be the receptacle of the vicious, the degraded and the insane, whom foreign parsimony and cruelty might deliberately and unfeelingly send to our shores, additional Almshouses and Hospitals would be necessary for their shelter and confinement. Christian philanthropy should be exercised, as heretofore, in every thing relative to their return; but they should be sent back systematically, uniformly and speedily.

On the last day of the session of the last Legislature, a Bill was presented for my consideration, authorizing an extension of the northerly shore of South Boston. As but a few hours of the session remained, and many other bills were awaiting my signature, no time was permitted me to give it that thorough investigation its importance demanded. A cursory examination showed that it limited the riparian owners, by arbitrary and fixed side lines, instead of allowing each one the flats appurtenant to his upland, extending in the same direction beyond the line of private rights, as they did within it. I therefore did not sign the Bill, and it failed to become a law.

Farther investigation has since satisfied me, that the Act in question involved gross violation of the private rights of a portion of the shore-owners, conferred improperly a large and valuable gift upon others, and was in its principles an anomaly in legislative grants. It is much to be desired that these flats should be improved up to the line which the State Commissioners have fixed, as the boundary, to which their filling will not be detrimental to the harbor of Boston. According to the report of various commissioners, the State has no vendible interest in these flats, but merely the right of eminent domain for the benefit of the public, subject to the right of the shore-owners to pass and repass, which it

can at any time properly waive, when it conceives that the community will not be thereby injured.

If it has no vendible interest,—and the petitioners for this Bill are unanimously of that opinion,—it necessarily follows that it has no interest which is properly the subject of a grant. Therefore it cannot establish artificial side lines, and bestow, by arbitrary metes and bounds, exorbitantly upon one, and little or nothing upon many. The most it can legitimately do, is to release its claim on all the flats within the limits of the commissioners' line, and leave the shore-owners to occupy and improve so much as is respectively appurtenant to their present property, according to the uniform principles of law, which the decisions of our courts, for nearly two hundred years, have recognized and established as the universal rule, equally applicable to all the citizens and all the shore property of the Commonwealth. A Bill founded on such principles would have received my sanction.

In pursuance of an Act of the last Legislature, a Board of Insurance Commissioners has been appointed; with power to visit companies, inspect books, and examine officers under oath. The expediency of the establishment of this commission will be apparent, when it is considered, that the amount of property insured in this Commonwealth, by home and foreign companies, exceeds the enormous sum of *five hundred and twenty-five millions of dollars*. There is abundant reason to believe that many times the cost of this commission has already been saved by its preventing the admission into the Commonwealth of several insolvent and fraudulent companies from other States, which have attempted to do business here.

It is important to the public security that the Legislature should proceed with the most cautious scrutiny in granting acts of incorporation, inasmuch as insurance charters have of late become articles of merchandise. It is ascertained that of more than sixty companies chartered within the past ten years, not one-third have gone into operation, and of the seventeen incorporated by the last Legislature, but four are now organized.

The Commissioners, appointed by my predecessor, under the Act to establish a State Reform School for Girls, have selected, in the town of Lancaster, a site every way adapted, by natural facilities, for the intended purpose. The three main buildings are nearly completed, a house suitable for the superintendent and farmer being already on the place. A Board of Trustees from various sections of the State have

been appointed, and, as required by law, have taken charge of the farm. A superintendent has already been chosen, by-laws prepared and approved, and in a few months the school will be opened for the reception of inmates. A small appropriation will be necessary to erect a chapel, to furnish the buildings, and to provide the necessary implements and stock for the farm. The report of the Commissioners and Trustees will furnish farther information in reference to this institution.

It is my duty only to remark that this school differs from every other in our country, in being intended exclusively for girls; in its classification, gathering its inmates into small families by themselves, and thus securing home discipline; and in placing the supervision and instruction of the several "homes" under their respective matrons. While it is a truly noble and Christian act in the State to make provision for its exposed children, and by the exercise of a wholesome and economical foresight to defend herself from sorer burdens in the future, yet the whole plan is a delicate experiment, which, though now promising beneficial results, requires the greatest prudence, patience, wisdom and humanity to insure its anticipated success.

In pursuance of the provisions of an Act of the last Legislature, Commissioners have been appointed to erect, in western Massachusetts, a third Lunatic Hospital. After a personal examination of more than a hundred localities, a site, in every way admirably adapted to the purpose, has been selected and purchased, in the town of Northampton, contracts have been effected, in accordance with the plans decided on, and some progress made in the necessary preliminary labor. It is expected that the building will be completed and occupied during the ensuing year. Though it is thought by some, that the period, when a third Lunatic Hospital was absolutely necessary, has been somewhat anticipated, all can turn with pride to that Christian humanity, which places our State so far in advance of all others, in proportion to her population, in the care and comfort of this most unfortunate class.

Our various other charitable and reformatory institutions, so far as I have been able to advise myself, are generally in a satisfactory condition, and compare very advantageously with those of any of our sister States. I refer you to the reports of their various boards of management for more minute particulars concerning them.

No portion of my official duties has been more agreeable than those performed as a member of the State Board of



Agriculture ; and, though the relative expenditure of money under this head is small, no department of government is intrusted with a subject of more intimate concern to our entire community. The wise foresight, which encourages the different county societies by a State grant, and which gives to each of them a direct representation at the Central Board, where the experience of all is considered and compared ; and the practical sagacity which established the State Farm, where, without annual cost, valuable results are arrived at by experiments in fertilizers, in improving breeds of stock, in introducing vegetable productions new to the State, and in testing theoretical probabilities by actual trials, have largely contributed to raise the standard of farming, and to stamp that degree of excellence on our agriculture, which our soil and climate would seem to forbid, and to which, without these facilities, we should not have attained. By these methods, judiciously improved, as they doubtless may be, it is possible that the agricultural perfection of Old England may be rivalled, or even surpassed, and our State become the model farm of the world.

During the past year, the gentleman, who has for seven years, ably and devotedly, filled the post of Secretary of the Board of Education, having been transferred to another field of labor, has resigned, and the Board have chosen a distinguished citizen of our State as his successor. The school returns for the past year present some interesting and gratifying results. They show, though the year was one of no inconsiderable financial embarrassment, an increase in the amount raised by voluntary taxation in the State, for the support of public schools, unparalleled in any one year before ; that this sum is double the amount raised for the same purpose only ten years ago ; that in no community in the world, probably, is so large a sum per head expended for educational purposes, and in none do the children so universally avail themselves of this invaluable privilege.

These returns show that the amount raised by voluntary taxation for support of public schools for the year was,	\$1,137,408 00
The sum raised the previous year was, . . . . .	1,013,872 00
Increase, . . . . .	\$123,636 00
The largest previous annual increase was but . . . . .	\$92,072 00
The amount raised ten years ago, 1844-5, was but . . . . .	\$576,556 00
The number of persons in the State between 5 and 15 years, is . . . . .	213,934

The whole attendance upon public schools in the winter of 1854-5, was . . . . .	202,709
The whole attendance upon public schools in the summer of 1854-5, was . . . . .	189,997
The whole attendance upon private schools and academies, in 1854-5, was . . . . .	22,287
The value of all the school edifices in the State is returned as . . . . .	\$4,576,457 00
The aggregate ordinary annual expenditure for the education of our youth, <i>exclusive</i> of collegiate instruction, and of interest on the cost of school-houses, by the actual returns, was . . . . .	\$2,162,293 00
or, <i>ten dollars and eleven cents</i> for each child in the State between five and fifteen years of age.	

These facts are presented not merely because they form the bright and truthful record of the past, but as an incentive to future effort in the cause of popular education. In no way can a republic be ennobled, or its individual members approach that high standard of intelligence and cultivation, which fits them properly to perform their varied obligations, but by the systematic, thorough and universal education of each successive generation.

In this connection I cannot forbear expressing my surprise that the liberal provision of the State for educating, in any college within its borders, a number of young men, on condition that they shall devote themselves to teaching for a limited period after graduating, is not more highly appreciated and eagerly embraced. Notwithstanding a very general notice in the public papers, several districts, entitled to a free scholarship, did not present a single candidate the past year, and the Board of Education, when assembled to consider applications for this privilege, was actually compelled to adjourn, leaving a portion of the scholarships unfilled, for want of applicants.

The Report of the Adjutant-General will show that our State Military is in a flourishing condition. Our system has received high encomiums, from competent judges, as possessing many advantages and few defects, and applications for copies of our laws have been received from several States, with the view of incorporating into their own, some of its peculiar features. The discipline of our soldiery is admirable, and perfect harmony prevails throughout the different branches of the service. It is to be hoped that a system, which has proved so successful, may remain without essential modification. No finer body of ten thousand young men can be found in the world, than the volunteer citizen

soldiery of Massachusetts. Differing in loyalty and enlightened patriotism in no way from our other citizens, their interests being our interests, and their rights our rights, it is apparent that both can be intrusted, in the hour of emergency, to none so safely, as to those having with us a common brotherhood and a common destiny.

About \$50,000 have been received from the purchasers of eastern lands during the past year. Under a Resolve of the last Legislature, the Land Agent, on the first of January, advertised all tracts in Maine, on which notes were over due; and all, on which such over due notes shall not be paid, within one year, will revert to the State, and all payments made thereon will be forfeited. In every instance, the Commonwealth is believed to be perfectly secured for every dollar due.

Although deeply conscious of the necessity of retrenching the expenditures of the State, a sense of duty compels me to suggest to your consideration the expediency of increasing the salaries of the Judges of the Supreme Judicial Court. They were established at their present amount, fifty years ago, when the expenses of a household, as well as the rates of professional emolument, were very far below the present standard. Then their duties occupied only eighteen weeks per annum, and now the whole year scarcely suffices for the performance of their increasing labors. It is asking too much of men, who are fitted by nature and culture for such exalted positions, to relinquish the professional emoluments their distinguished abilities would command, for the meagre salaries they now receive, which, though doubtless suitable to the period when they were originally established, are at the present time entirely inadequate.

I recommend that no new bank charters be granted. Should it be your belief, that our present banking capital is not commensurate with the demands of our industry, a prudent and limited increase of the stock of existing institutions, is undoubtedly preferable to granting additional charters. Still, if increased capital is authorized at all, it should be permitted only in exceptional cases, sparingly and with caution. Our system of currency is so complicated and delicate, its beneficial working can be easily disturbed, and any legislation is to be deplored that would tend to impair its efficacy or disarrange its harmonious action.

I would, however, renew a former suggestion, that holders of bills of insolvent banks should have, by law, a prior claim over other creditors. The wisdom of the Legislature might prefer as a substitute to reserve two per cent. of the annual

**Bank Tax**, which would amount to about \$12,000 per annum, until a guarantee fund of \$100,000 was secured, which should be appropriated to the payment of the bills of a less denomination than \$10, of any bank, chartered by the Commonwealth, which should become insolvent. The bill holder takes trustingly whatever the State, under its special charters, permits to be issued as currency, confident that the law will protect him in so doing by all just enactments. In one insolvent bank, now in the hands of receivers, three thousand individuals are bill holders, two-thirds of them for less than \$20 each, and three-quarters of the whole number are laborers and females, who received the bills in payment for their individual labor. This plan would entitle our bank bills to such confidence throughout the Union, as would insure their general circulation, while the State would have a claim upon the insolvent bank for the amount it might redeem, and the poorer classes be protected, by the wise and paternal forethought of the government, from the loss of what perhaps is all they possess.

The past year has witnessed renewed instances of fraud in making over-issues of stock in corporations, and, till a suitable penalty is affixed to such crimes, by legislative action, they will continue to be repeated, and their perpetrators to escape punishment. It is the duty of the Legislature to protect the innocent stockholder and creditor, by applying a stringent penalty to offences of this nature.

The punishment now affixed by law to the crime of placing obstructions upon railway tracks is inadequate, considering the heinousness of the offence. The murder of a single individual will hardly compare in enormity with perilling hundreds of lives by so dastardly a deed. As the present penalty proves insufficient to prevent its perpetration, I recommend that this infraction of the law be placed by statute in the catalogue of the gravest felonies.

At a late period in the last session, an able and valuable report was received and transmitted to the Legislature from the Commissioners appointed to establish lines in Mystic River, Boston Harbor and Dorchester Bay. Their suggestion that an application be made to the General Government for the appointment of a scientific board, to report upon the condition of the harbor, and to present a comprehensive plan for its improvement, which may serve to direct and regulate future constructions, is deemed by our commercial community of great practical importance. The Federal authorities would, undoubtedly, comply with such a request, without expense to the State, as they have done with respect to the

harbors of Savannah, Charleston, Portland, and many other places. The judgment and advice of unprejudiced and skilful persons, familiar with the principles and practice of engineering in tidal rivers and harbors, would thus be secured in behalf of measures calculated to avert threatening dangers, and subserve the necessities of the harbor of our commercial emporium.

*Gentlemen :—*

Under the gratifying approval of my official course, indicated by the recent action of my fellow-citizens in returning me to this important post of service, it will be my pleasure, as it is my duty, to address myself to a faithful discharge of all its functions, to the best of my abilities and understanding. Such approbation is the only reward I desire, other than the sanction of my own conscience and judgment. By those guides, which, though not unerring, are the surest reliance of honest desire and pure intention, I shall be directed hereafter, as I have been heretofore.

To you, gentlemen, I would suggest, the magnitude of the interests intrusted to your guardianship, the evil of inconsiderate and unnecessary legislation, the indispensable necessity of economy in all branches of expenditure, and, above all, the duty of placing the reputation of our State, and the interests of her people, above all narrow questions of politics or partisanship. May a wise and comprehensive statesmanship control your decisions, an honorable patriotism constitute your paramount motive, and a wisdom be vouchsafed us from above, which shall enable us to promote the happiness and prosperity of our citizens, and enhance the honor of our Commonwealth.

## M E S S A G E S .

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*To the President of the Senate :*

I transmit, herewith, for the use of the Legislature, the Second Annual Reports of the Inspectors of State Almshouses at Bridgewater, Monson and Tewksbury.

HENRY J. GARDNER.

*Council Chamber, January 7, 1856.*

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*To the President of the Senate :*

I transmit, herewith, a letter just received from the Hon. Albert H. Nelson, of Woburn, declining to accept the office of Attorney-General, to which he has been elected.

HENRY J. GARDNER.

*Council Chamber, January 12, 1856.*

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*To the President of the Senate :*

I herewith transmit, for the use of the Legislature, the following Reports, which have been received by this department of the government, viz. :—

1. Report of the Trustees of the State Lunatic Hospital at Worcester.
2. Report of the Trustees of the State Lunatic Hospital at Taunton.
3. Report of the Inspectors of the State Hospital at Rainsford Island.
4. Fourth Annual Report of the Commissioners on the Back Bay.

HENRY J. GARDNER.

*Council Chamber, January 16, 1856.*

*To the Speaker of the House of Representatives :*

I herewith transmit, for the use of the Legislature, the following Reports, which have been received by this department of the government, viz. :—

1. Reports of the Inspectors, Warden, Chaplain and Physician of the State Prison.
2. Report of the Land Agent.
3. Report of the Agent of Charles River and Warren Bridges.
4. Report of the Superintendent of Alien Passengers.
5. Report of the Commissioners appointed under Act of 1855, for the erection of a third hospital for the insane.

HENRY J. GARDNER.

*Council Chamber, January 16, 1856.*

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*To the Speaker of the House of Representatives :*

I transmit, herewith, the Report of the Commissioners of Pilots, appointed under chapter 421, of the Acts of 1855.

HENRY J. GARDNER.

*Council Chamber, January 19, 1856.*

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*To the Speaker of the House of Representatives :*

I transmit, herewith, for the use of the Legislature, the Ninth Annual Report of the Trustees of the State Reform School, at Westborough, with the accompanying Reports of the officers of the Institution.

HENRY J. GARDNER.

*Council Chamber, January 19, 1856.*

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*To the Speaker of the House of Representatives :*

I herewith transmit, to the House of Representatives, for the use of the Legislature, the following communication from the Adjutant-General.

HENRY J. GARDNER.

*Council Chamber, January 19, 1856.*

*To the Speaker of the House of Representatives :*

I transmit, herewith, for the consideration of the Legislature, the following communication from the Governor of Vermont, with the accompanying Resolutions relating to the Territory of Kansas.

HENRY J. GARDNER.

*Council Chamber, January 31, 1856.*

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*To the Speaker of the House of Representatives :*

I herewith transmit, for the use of the Legislature, the Report of the Commissioners, appointed under the 52d chapter of the Resolves of 1854, for the establishment of a State Reform School for Girls.

HENRY J. GARDNER.

*Council Chamber, January 31, 1856.*

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*To the President of the Senate :*

I transmit, herewith, for the use of the Legislature, the Report of the Treasurer of the Marshpee and Herring Pond Indians.

HENRY J. GARDNER.

*Council Chamber, February 6, 1856.*

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*To the Speaker of the House of Representatives :*

I transmit, herewith, for the use of the Legislature, the Annual Report of the Commissioners of Alien Passengers.

HENRY J. GARDNER.

*Council Chamber, February 7, 1856.*

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*To the President of the Senate :*

I transmit, herewith, for the information of the Legislature, a communication from the Commissioner appointed under chapter 470, Acts of 1855.

HENRY J. GARDNER.

*Council Chamber, February 8, 1856.*



*To the Speaker of the House of Representatives :*

I transmit, herewith, for the use of the Legislature, the Report of the Commissioners appointed under chapter 15, of the Resolves of 1855, to establish a boundary line between Gay Head and the town of Chilmark.

HENRY J. GARDNER.

*Council Chamber, February 12, 1856.*

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*To the Speaker of the House of Representatives :*

I transmit, herewith, for the use of the Legislature, the Report of the Commissioners appointed under chapter 69, of the Resolves of 1855, to examine the title to certain lands in the town of Tisbury.

HENRY J. GARDNER.

*Council Chamber, February 12, 1856.*

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*To the Speaker of the House of Representatives :*

In compliance with the request of the House of Representatives, contained in an Order of that branch, passed on the twenty-fifth instant, which has been duly communicated to me, I transmit, herewith, the only "communication I have received in my official capacity, relative to the affairs of Kansas."

It consists of a brief letter of the twenty-first of January, which, from such inquiries as I have been able to make, I believe to be authentic, purporting to be signed by J. H. Lane, C. Robinson and G. W. Deitzler, representing the existing condition of things in that Territory at the date of the letter, and the apprehension entertained by its inhabitants of impending outrages from the anticipated incursions of evil disposed persons from the adjoining State of Missouri.

While this document has no such official character as, in my judgment, to warrant the Governor in obtruding it upon the Legislature, or making it the subject of an executive communication, I cheerfully avail myself of the Order of the honorable House of Representatives, to transmit it to that body, for such action as the Legislature may deem it proper to take in respect to it.

HENRY J. GARDNER.

*Council Chamber, February 26, 1856.*

*To the Speaker of the House of Representatives :*

I transmit, herewith, for the information of the Legislature, a communication from Colonel Thayer, of the United States Corps of Engineers, relative to a cession of jurisdiction on the part of the State to the General Government, of certain lands situated in the city of New Bedford, on which it is contemplated to erect fortifications, for the defence of that city.

HENRY J. GARDNER.

*Council Chamber, March 12, 1856.*

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*To the President of the Senate :*

I herewith transmit, for the use of the Legislature, the Resolutions of the General Assembly of the State of Rhode Island, on the subject of French Spoliations, anterior to the year eighteen hundred.

HENRY J. GARDNER.

*Council Chamber, March 12, 1856.*

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*To the President of the Senate :*

I transmit, herewith, a communication from the Governor of New Jersey, covering certain Resolutions of the Legislature of that State, relative to the construction of a Breakwater at Cape May.

HENRY J. GARDNER.

*Council Chamber, March 24, 1856.*

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*To the President of the Senate :*

I transmit, herewith, for the use of the Legislature, the Annual Report of the Trustees of the Perkins Institution and Massachusetts Asylum for the Blind.

HENRY J. GARDNER.

*Council Chamber, April 2, 1856.*

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*To the Speaker of the House of Representatives :*

I transmit, herewith, for the use of the Legislature, the Final Report of the Commissioners upon Charles River and Warren Bridges.

HENRY J. GARDNER.

*Council Chamber, April 12, 1856.*

*To the Speaker of the House of Representatives :*

I transmit, herewith, for the use of the Legislature, the Annual Report of the Trustees of the Massachusetts School for Idiotic and Feeble-Minded Youth, together with the Reports of the Superintendent and Treasurer.

HENRY J. GARDNER.

*Council Chamber, April 12, 1856.*

*To the Speaker of the House of Representatives :*

I herewith transmit, for the use of the Legislature, certain Resolutions of the Legislature of the State of Ohio, relative to Kansas, which Resolutions were received from the Governor of that State.

HENRY J. GARDNER.

*Council Chamber, May 6, 1856.*

*To the Speaker of the House of Representatives :*

I return herewith, to the House of Representatives, in which branch of the Legislature it originated, a Bill, entitled "An Act to change the name of the Female Medical Education Society, to New England Female Medical College, and to reorganize the same."

It is not necessary to make any reference to the general designs and purposes of the Bill, as my objections are limited to that feature of it which contemplates making certain State officers, *ex-officiis*, trustees of the Institution. Although this provision may not perhaps be deemed unconstitutional in the strict sense of the term, yet if the principle involved in it becomes the policy of Massachusetts, it is obvious that onerous and extra constitutional duties will be placed upon a portion of the paid officers of the Commonwealth, which must necessarily deprive the State, to a considerable extent, of time and labor which should properly be devoted to the performance of their respective duties.

This Bill provides that "the Lieutenant-Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of the Commonwealth, and the Secretary of the Board of Education, for the time being, shall be, *ex-officiis*, members" of the Board of Trustees, elected from time to time,—and in conjunction with them, "to make by-laws, to appoint professors, who shall constitute a medical faculty, and to confer the usual degree of Doctor of Medicine."

It is a noteworthy fact that the original petition which accompanies the Bill did not ask that any State officer should be, *ex-officio*, a member of the Board of Trustees, and that a Bill was reported, which passed the Senate, not containing this objectionable feature, but that in the House a recommitment took place, and this provision was incorporated.

In addition to the objection to this Bill already intimated, it is apparent that it gives the institution a reputation and influence, from its official connection with the State, that all other incorporated bodies for kindred or analogous purposes will much desire and be not slow to seek. Either this corporation will have special favor shown it, or a multitude of others must claim their share of the attention of our State officers, to the infringement on time belonging to their regular duties.

Moreover, the interest of this corporation would become to some extent, by the passage of this Act, identified with the Commonwealth, and an anomalous and hitherto unknown sanction given it, alike injurious to the dignity of the State and to the welfare of her people. For notwithstanding this *quasi* endorsement of the State, it cannot be supposed that her officers can be familiarized by a professional training for the proper performance of duties appertaining to a board required to select professors and confer degrees.

For the reasons, then, that this unusual and objectionable privilege is granted, though not asked for at the outset by the petitioners,—that either it is a special privilege, given here and refused elsewhere, or if hereafter extended to similar claimants, it must occupy the time of the officers of the Commonwealth, required for the performance of other duties,—that those officers cannot often be fitted by that purely professional training this trust peculiarly demands,—and that it compromises the dignity of the Commonwealth in making her in any way or to any extent a copartner in private enterprises of this nature,—I withhold my approval from the Bill.

HENRY J. GARDNER.

*Council Chamber, May 8, 1856.*

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*To the Speaker of the House of Representatives :*

I herewith transmit, to the House of Representatives, for the use of the Legislature, a communication from the Secretary of State, and certain Resolves recently passed by the Legislature of the State of Maine, relative to Kansas.

HENRY J. GARDNER.

*Council Chamber, May 17, 1856.*

*To the Speaker of the House of Representatives :*

I transmit, herewith, for the use of the Legislature, certain Resolutions passed by the Legislature of New Hampshire, relative to Kansas, which Resolutions were received from the Governor of that State.

HENRY J. GARDNER.

*Council Chamber, May 21, 1856.*

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*To the President of the Senate :*

I transmit, herewith, Resolutions passed by our sister State of Connecticut, expressive of its utter reprobation of the recent "brutal and cowardly violence on the floor of the Senate Chamber," and of its determination to stand side by side with Massachusetts, now as heretofore, in the assertion and defence of freedom of thought and speech.

I need not testify to the gratification such sentiments, from the intelligent and patriotic State of Connecticut, must convey to the judgment and feelings of all our people.

HENRY J. GARDNER.

*Council Chamber, May 30, 1856.*

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*To the Speaker of the House of Representatives :*

I transmit, herewith, for the use of the Legislature, certain Resolutions of the State of New Hampshire, relative to the passage, by the National Legislature, of a new Naturalization Law.

HENRY J. GARDNER.

*Council Chamber, June 3, 1856.*

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*To the Speaker of the House of Representatives :*

One of the Senators in the Congress of the United States, from Massachusetts, having been struck down while at his post of duty, in a brutal, murderous and cowardly manner, and suffered severe if not dangerous wounds, it seems to me eminently proper that all expenses of his sickness should be assumed by the Commonwealth whose sovereignty he represents.

I therefore submit the consideration of this question to the Legislature, for such action as they may deem expedient.

HENRY J. GARDNER.

*Council Chamber, June 4, 1856.*

and morality, in all cases where such provision shall not be made voluntarily.

And the people of this Commonwealth have also a right to, and do, invest their legislature with authority to enjoin upon all the subjects an attendance upon the instructions of the public teachers aforesaid, at stated times and seasons, if there be any on whose instructions they can conscientiously and conveniently attend.

and to enjoin attendance thereon. See amendments. Art. XI.

Provided notwithstanding, that the several towns, parishes, precincts, and other bodies politic, or religious societies, shall, at all times, have the exclusive right of electing their public teachers, and of contracting with them for their support and maintenance.

Exclusive right of electing religious teachers secured.

And all moneys, paid by the subject to the support of public worship, and of the public teachers aforesaid, shall, if he require it, be uniformly applied to the support of the public teacher or teachers of his own religious sect or denomination, provided there be any on whose instructions he attends; otherwise it may be paid towards the support of the teacher or teachers of the parish or precinct in which the said moneys are raised.

Option as to whom parochial taxes may be paid, unless, &c.

See amendments. Art. XI.

And every denomination of Christians, demeaning themselves peaceably, and as good subjects of the Commonwealth, shall be equally under the protection of the law: and no subordination of any one sect or denomination to another shall ever be established by law.

All denominations equally protected.

Subordination of one sect to another prohibited.

IV. The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign, and independent State; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, which is not, or may not hereafter, be by them expressly delegated to the United States of America, in Congress assembled.

Right of self-government secured.

V. All power residing originally in the people, and being derived from them, the several magistrates and officers of government, vested with authority, whether legislative, executive, or judicial, are their substitutes and agents, and are at all times accountable to them.

Accountability of all officers, &c.

VI. No man, nor corporation, or association of men, have any other title to obtain advantages, or particular and exclusive privileges, distinct from those of the community, than what arises from the consideration of services rendered to the public; and this title being in nature neither hereditary, nor transmissible to children, or descendants, or relations by blood, the idea of a man born a magistrate, lawgiver, or judge, is absurd and unnatural.

Services rendered to the public being the only title to peculiar privileges, hereditary offices are absurd and unnatural.

Objects of government; right of people to institute and change it.

VII. Government is instituted for the common good; for the protection, safety, prosperity and happiness of the people; and not for the profit, honor, or private interest of any one man, family, or class of men: Therefore the people alone have an incontestable, unalienable, and indefeasible right to institute government; and to reform, alter, or totally change the same, when their protection, safety, prosperity and happiness require it.

Right of people to secure rotation in office.

VIII. In order to prevent those, who are vested with authority, from becoming oppressors, the people have a right, at such periods and in such manner as they shall establish by their frame of government, to cause their public officers to return to private life; and to fill up vacant places by certain and regular elections and appointments.

All, having the qualifications prescribed, equally eligible to office.

IX. All elections ought to be free; and all the inhabitants of this Commonwealth, having such qualifications as they shall establish by their frame of government, have an equal right to elect officers, and to be elected, for public employments.

Right of protection and duty of contribution correlative.

X. Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws. He is obliged, consequently, to contribute his share to the expense of this protection; to give his personal service, or an equivalent, when necessary: but no part of the property of any individual, can, with justice, be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people. In fine, the people of this Commonwealth are not contrrollable by any other laws, than those to which their constitutional representative body have given their consent. And whenever the public exigencies require that the property of any individual should be appropriated to public uses, he shall receive a reasonable compensation therefor.

Taxation founded on consent.

Private property not to be taken for public uses without, &c.

Remedies, by recourse to the law, to be free, complete, and prompt

XI. Every subject of the Commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character. He ought to obtain right and justice freely, and without being obliged to purchase it; completely, and without any denial; promptly, and without delay, conformably to the laws.

Prosecutions regulated.

XII. No subject shall be held to answer for any crimes or offence, until the same is fully and plainly, substantially and formally, described to him; or be compelled to accuse, or furnish evidence against himself: and every subject shall have a right to produce all proofs that may be favorable to

him; to meet the witnesses against him face to face, and to be fully heard in his defence by himself, or his counsel, at his election. And no subject shall be arrested, imprisoned, despoiled, or deprived of his property, immunities, or privileges, put out of the protection of the law, exiled, or deprived of his life, liberty, or estate, but by the judgment of his peers, or the law of the land.

And the legislature shall not make any law that shall subject any person to a capital or infamous punishment, excepting for the government of the army and navy, without trial by jury. Right to trial by jury, in criminal cases, except, &c.

XIII. In criminal prosecutions, the verification of facts, in the vicinity where they happen, is one of the greatest securities of the life, liberty, and property of the citizen. Crimes to be proved in the vicinity.

XIV. Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, his papers, and all his possessions. All warrants, therefore, are contrary to this right, if the cause or foundation of them be not previously supported by oath or affirmation; and if the order in the warrant to a civil officer, to make search in suspected places, or to arrest one or more suspected persons, or to seize their property, be not accompanied with a special designation of the persons or objects of search, arrest, or seizure; and no warrant ought to be issued but in cases, and with the formalities, prescribed by the laws. Right of search and seizure regulated.

XV. In all controversies concerning property, and in all suits between two or more persons, except in cases in which it has heretofore been otherwise used and practised, the parties have a right to a trial by jury; and this method of procedure shall be held sacred, unless, in causes arising on the high seas, and such as relate to mariners' wages, the legislature shall hereafter find it necessary to alter it. Right to trial by jury sacred, except, &c.

XVI. The liberty of the press is essential to the security of freedom in a state: it ought not, therefore, to be restrained in this Commonwealth. Liberty of the press.

XVII. The people have a right to keep and to bear arms for the common defence. And as, in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the legislature; and the military power shall always be held in an exact subordination to the civil authority, and be governed by it. Right to keep and bear arms. Standing armies dangerous. Military power subordinate to civil.

XVIII. A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to those of piety, justice, moderation, temperance, industry, and frugality, are absolutely necessary to preserve the advantages of liberty, and to maintain a free government. The people Moral qualifications for office.



**Moral obligations of lawgivers and magistrates.** ought, consequently, to have a particular attention to all those principles, in the choice of their officers and representatives: and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of the Commonwealth.

**Right of people to instruct representatives and petition legislature.** XIX. The people have a right, in an orderly and peaceable manner, to assemble to consult upon the common good; give instructions to their representatives, and to request of the legislative body, by the way of addresses, petitions, or remonstrances, redress of the wrongs done them, and of the grievances they suffer.

**Power to suspend the laws or their execution.** XX. The power of suspending the laws, or the execution of the laws, ought never to be exercised but by the legislature, or by authority derived from it, to be exercised in such particular cases only as the legislature shall expressly provide for.

**Freedom of debate, &c., and reason thereof.** XXI. The freedom of deliberation, speech and debate, in either house of the legislature, is so essential to the rights of the people, that it cannot be the foundation of any accusation or prosecution, action or complaint, in any other court or place whatsoever.

**Frequent sessions, and objects thereof.** XXII. The legislature ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws, as the common good may require.

**Taxation founded on consent.** XXIII. No subsidy, charge, tax, impost, or duties, ought to be established, fixed, laid, or levied, under any pretext whatsoever, without the consent of the people, or their representatives in the legislature.

**Ex post facto laws prohibited.** XXIV. Laws made to punish for actions done before the existence of such laws, and which have not been declared crimes by preceding laws, are unjust, oppressive, and inconsistent with the fundamental principles of a free government.

**Legislature not to convict of treason, &c.** XXV. No subject ought, in any case, or in any time, to be declared guilty of treason or felony by the legislature.

**Excessive bail or fines, and cruel punishments, prohibited.** XXVI. No magistrate or court of law shall demand excessive bail or sureties, impose excessive fines, or inflict cruel or unusual punishments.

**No soldier to be quartered in any house, unless, &c.** XXVII. In time of peace, no soldier ought to be quartered in any house without the consent of the owner; and in time of war, such quarters ought not to be made but by the civil magistrate, in a manner ordained by the legislature.

**Citizens exempt from law-martial, unless, &c.** XXVIII. No person can in any case be subjected to law-martial, or to any penalties or pains, by virtue of that

law, except those employed in the army or navy, and except the militia in actual service, but by authority of the legislature.

XXIX. It is essential to the preservation of the rights of every individual, his life, liberty, property and character, that there be an impartial interpretation of the laws, and administration of justice. It is the right of every citizen to be tried by judges as free, impartial and independent as the lot of humanity will admit. It is, therefore, not only the best policy, but for the security of the rights of the people, and of every citizen, that the judges of the supreme judicial court should hold their offices as long as they behave themselves well, and that they should have honorable salaries ascertained and established by standing laws. Judges of supreme judicial court.  
Tenure of their office.  
Salaries.

XXX. In the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them: the executive shall never exercise the legislative and judicial powers, or either of them: the judicial shall never exercise the legislative and executive powers, or either of them: to the end it may be a government of laws, and not of men. Separation of executive, judicial, and legislative departments.

## PART THE SECOND.

### *The Frame of Government.*

THE people, inhabiting the territory formerly called the Province of Massachusetts Bay, do hereby solemnly and mutually agree with each other, to form themselves into a free, sovereign, and independent body politic or state, by the name of THE COMMONWEALTH OF MASSACHUSETTS.

## CHAPTER I.

### THE LEGISLATIVE POWER.

#### SECTION I.

#### *The General Court.*

ART. I. The department of legislation shall be formed by two branches, a Senate and House of Representatives; each of which shall have a negative on the other. Legislative department.

See amendments,  
Art. X.

The legislative body shall assemble every year, on the last Wednesday in May, and at such other times as they shall judge necessary; and shall dissolve and be dissolved on the day next preceding the said last Wednesday in May; and shall be styled, THE GENERAL COURT OF MASSACHUSETTS.

Governor's veto.

II. No bill or resolve of the senate or house of representatives shall become a law, and have force as such, until it shall have been laid before the governor for his revisal; and if he, upon such revision, approve thereof, he shall signify his approbation by signing the same. But if he have any objection to the passing of such bill or resolve, he shall return the same, together with his objections thereto, in writing, to the senate or house of representatives, in whichsoever the same shall have originated, who shall enter the objections sent down by the governor, at large, on their records, and proceed to reconsider the said bill or resolve: but if, after such reconsideration, two-thirds of the said senate or house of representatives, shall, notwithstanding the said objections, agree to pass the same, it shall, together with the objections, be sent to the other branch of the legislature, where it shall also be reconsidered, and if approved by two-thirds of the members present, shall have the force of a law: but in all such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for, or against, the said bill or resolve, shall be entered upon the public records of the Commonwealth.

Bill may be passed by two-thirds of each house, notwithstanding.

See amendments,  
Art. I.

And in order to prevent unnecessary delays, if any bill or resolve shall not be returned by the governor within five days after it shall have been presented, the same shall have the force of a law.

General court may constitute judicatories, courts of record, &c.

III. The general court shall forever have full power and authority to erect and constitute judicatories and courts of record, or other courts, to be held in the name of the Commonwealth, for the hearing, trying, and determining of all manner of crimes, offences, pleas, processes, complaints, actions, matters, causes and things, whatsoever, arising or happening within the Commonwealth, or between or concerning persons inhabiting, or residing, or brought within the same; whether the same be criminal or civil, or whether the said crimes be capital or not capital, and whether the said pleas be real, personal, or mixed; and for the awarding and making out of execution thereupon: to which courts and judicatories are hereby given and granted full power and authority, from time to time, to administer oaths or affirmations, for the better discovery of truth in any matter in controversy, or depending before them.

Courts, &c., may administer oaths.

IV. And further, full power and authority are hereby given and granted to the said general court, from time to time, to make, ordain and establish, all manner of wholesome and reasonable orders, laws, statutes and ordinances, directions and instructions, either with penalties or without; so as the same be not repugnant or contrary to this constitution, as they shall judge to be for the good and welfare of this Commonwealth, and for the government and ordering thereof, and of the subjects of the same, and for the necessary support and defence of the government thereof; and to name and settle annually, or provide by fixed laws, for the naming and settling, all civil officers within the said Commonwealth, the election and constitution of whom are not hereafter in this form of government otherwise provided for; and to set forth the several duties, powers and limits, of the several civil and military officers of this Commonwealth, and the forms of such oaths or affirmations as shall be respectively administered unto them for the execution of their several offices and places, so as the same be not repugnant or contrary to this constitution; and to impose and levy proportional and reasonable assessments, rates and taxes, upon all the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose and levy reasonable duties and excises upon any produce, goods, wares, merchandise, and commodities whatsoever, brought into, produced, manufactured, or being within the same; to be issued and disposed of by warrant, under the hand of the governor of this Commonwealth for the time being, with the advice and consent of the council, for the public service, in the necessary defence and support of the government of the said Commonwealth, and the protection and preservation of the subjects thereof, according to such acts as are or shall be in force within the same.

General court  
may enact laws,  
&c.,

not repugnant to  
the constitution;

may provide for  
the election or  
appointment of  
officers;

prescribe their  
duties;

impose taxes;

duties and ex-  
cises;

to be disposed of  
for defence, pro-  
tection, &c.

And while the public charges of government, or any part thereof, shall be assessed on polls and estates, in the manner that has hitherto been practiced, in order that such assessments may be made with equality, there shall be a valuation of estates within the Commonwealth, taken anew once in every ten years at least, and as much oftener as the general court shall order.

Valuation of es-  
tates once in ten  
years, at least,  
while, &c.

## CHAPTER I.

## SECTION II.

*Senate.*

Senate, number  
of, and by whom  
elected.  
See amendments,  
Arts. XIII. and  
XVI.

ART. I. There shall be annually elected, by the freeholders and other inhabitants of this Commonwealth, qualified as in this constitution is provided, forty persons to be councillors and senators, for the year ensuing their election; to be chosen by the inhabitants of the districts, into which the Commonwealth may from time to time be divided by the general court for that purpose: and the general court, in assigning the numbers to be elected by the respective districts, shall govern themselves by the proportion of the public taxes paid by the said districts; and timely make known, to the inhabitants of the Commonwealth, the limits of each district, and the number of councillors and senators to be chosen therein: provided, that the number of such districts shall never be less than thirteen; and that no district be so large as to entitle the same to choose more than six senators.

Counties to be  
districts, until,  
&c.  
See amendments,  
Art. XIII.

And the several counties in this Commonwealth shall, until the general court shall determine it necessary to alter the said districts, be districts for the choice of councillors and senators, (except that the counties of Dukes county and Nantucket shall form one district for that purpose,) and shall elect the following number for councillors and senators, viz.:—

Suffolk, . . . . .	six.	York, . . . . .	two.
Essex, . . . . .	six.	Dukes Co. and Nantucket, .	one.
Middlesex, . . . . .	five.	Worcester, . . . . .	five.
Hampshire, . . . . .	four.	Cumberland, . . . . .	one.
Plymouth, . . . . .	three.	Lincoln, . . . . .	one.
Barnstable, . . . . .	one.	Berkshire, . . . . .	two.
Bristol, . . . . .	three.		

Manner and time  
of choosing sena-  
tors and coun-  
cillors.

See amendments,  
Arts. II., X., XIV.  
and XV.

See amendments,  
Art. III.

II. The senate shall be the first branch of the legislature; and the senators shall be chosen in the following manner, viz.: there shall be a meeting on the first Monday in April, annually, forever, of the inhabitants of each town in the several counties of this Commonwealth, to be called by the selectmen, and warned in due course of law, at least seven days before the first Monday in April, for the purpose of electing persons to be senators and councillors; and at such meetings every male inhabitant of twenty-one years of age and upwards, having a freehold estate, within the Com-

monwealth, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to give in his vote for the senators for the district of which he is an inhabitant. And to remove all doubts concerning the meaning of the word "inhabitant," in this constitution, every person shall be considered as an inhabitant, for the purpose of electing and being elected into any office, or place within this State, in that town, district, or plantation, where he dwelleth, or hath his home.

Word "inhabitant" defined.

The selectmen of the several towns shall preside at such meetings impartially, and shall receive the votes of all the inhabitants of such towns, present and qualified to vote for senators, and shall sort and count them in open town meeting, and in presence of the town clerk, who shall make a fair record, in presence of the selectmen, and in open town meeting, of the name of every person voted for, and of the number of votes against his name; and a fair copy of this record shall be attested by the selectmen and the town clerk, and shall be sealed up, directed to the secretary of the Commonwealth, for the time being, with a superscription expressing the purport of the contents thereof, and delivered by the town clerk of such towns, to the sheriff of the county in which such town lies, thirty days at least before the last Wednesday in May, annually; or it shall be delivered into the secretary's office seventeen days at least before the said last Wednesday in May: and the sheriff of each county shall deliver all such certificates, by him received, into the secretary's office, seventeen days before the said last Wednesday in May.

Selectmen to preside at town meetings.

Return of votes.

See amendments, Arts. II. and X.

And the inhabitants of plantations unincorporated, qualified as this constitution provides, who are or shall be empowered and required to assess taxes upon themselves toward the support of government, shall have the same privilege of voting for councillors and senators, in the plantations where they reside, as town inhabitants have in their respective towns; and the plantation meetings for that purpose shall be held, annually, on the same first Monday in April, at such place in the plantations, respectively, as the assessors thereof shall direct; which assessors shall have like authority for notifying the electors, collecting and returning the votes, as the selectmen and town clerks have in their several towns, by this constitution. And all other persons living in places unincorporated, (qualified as aforesaid,) who shall be assessed to the support of government, by the assessors of an adjacent town, shall have the privilege of giving in their votes for councillors and senators, in

Inhabitants of unincorporated plantations, who pay state taxes, may vote.

Plantation meetings.

See amendments, Art. X.

Assessors to notify, &c.

the town where they shall be assessed, and be notified of the place of meeting, by the selectmen of the town where they shall be assessed, for that purpose, accordingly.

Governor and council to examine and count votes, and issue summonses.  
See amendments, Art. X.

III. And that there may be a due convention of senators on the last Wednesday in May, annually, the governor, with five of the council, for the time being, shall, as soon as may be, examine the returned copies of such records; and fourteen days before the said day, he shall issue his summonses to such persons as shall appear to be chosen by a majority of voters, to attend on that day, and take their seats accordingly: provided, nevertheless, that for the first year, the said returned copies shall be examined by the president and five of the council of the former constitution of government; and the said president shall, in like manner, issue his summonses to the persons so elected, that they may take their seats as aforesaid.

Senate to be final judge of elections, &c., of its own members.

See amendments, Art. X.

IV. The senate shall be the final judge of the elections, returns, and qualifications of their own members, as pointed out in the constitution; and shall, on the said last Wednesday in May, annually, determine and declare who are elected by each district, to be senators, by a majority of votes: and in case there shall not appear to be the full number of senators returned, elected by a majority of votes, for any district, the deficiency shall be supplied in the following manner, viz.: The members of the house of representatives, and such senators as shall be declared elected, shall take the names of such persons as shall be found to have the highest number of votes in such district, and not elected, amounting to twice the number of senators wanting, if there be so many voted for; and out of these, shall elect by ballot a number of senators sufficient to fill up the vacancies in such district; and in this manner all such vacancies shall be filled up in every district of the Commonwealth; and in like manner all vacancies in the senate, arising by death, removal out of the State, or otherwise, shall be supplied as soon as may be after such vacancies shall happen.

Vacancies, how filled.

Qualifications of a senator.  
See amendments, Art. XIII.

V. Provided, nevertheless, that no person shall be capable of being elected as a senator, who is not seized in his own right of a freehold, within this Commonwealth, of the value of three hundred pounds at least, or possessed of personal estate of the value of six hundred pounds at least, or of both to the amount of the same sum, and who has not been an inhabitant of this Commonwealth for the space of five years immediately preceding his election, and, at the time of his election, he shall be an inhabitant in the district for which he shall be chosen.

VI. The senate shall have power to adjourn themselves, Senate not to adjourn more than two days. provided such adjournments do not exceed two days at a time.

VII. The senate shall choose its own president, appoint Shall choose its officers, and establish its rules. its own officers, and determine its own rules of proceedings.

VIII. The senate shall be a court, with full authority, to Shall try all impeachments. hear and determine all impeachments made by the house of

representatives, against any officer or officers of the Commonwealth, for misconduct and mal-administration in their offices: but, previous to the trial of every impeachment, the Oath.

members of the senate shall, respectively, be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however, shall not Limitation of sentence. extend further than to removal from office, and disqualification

to hold or enjoy any place of honor, trust, or profit, under this Commonwealth: but the party so convicted shall be, nevertheless, liable to indictment, trial, judgment and punishment, according to the laws of the land.

IX. Not less than sixteen members of the senate shall Quorum. constitute a quorum for doing business.

## CHAPTER I.

### SECTION III.

#### *House of Representatives.*

ART. I. There shall be, in the legislature of this Commonwealth, a representation of the people, annually elected, Representation of the people. and founded upon the principle of equality.

II. And in order to provide for a representation of the citizens of this Commonwealth, founded upon the principle of equality, every corporate town, containing one hundred and fifty ratable polls, may elect one representative; every corporate town, containing three hundred and seventy-five ratable polls, may elect two representatives; every corporate town, containing six hundred ratable polls, may elect three representatives; and proceeding in that manner, making two hundred and twenty-five ratable polls the mean increasing number for every additional representative. Representatives, by whom chosen. See amendments, Arts. XII. and XIII.

Provided, nevertheless, that each town now incorporated, Provide as to towns having less than 150 ratable polls. not having one hundred and fifty ratable polls, may elect one representative; but no place shall hereafter be incorporated with the privilege of electing a representative, unless there are within the same one hundred and fifty ratable polls.



Towns liable to  
fine in case, &c.

And the house of representatives shall have power, from time to time, to impose fines upon such towns as shall neglect to choose and return members to the same, agreeably to this constitution.

Expense of travelling to and from  
the general court,  
how paid.

The expenses of travelling to the general assembly, and returning home, once in every session, and no more, shall be paid by the government, out of the public treasury, to every member who shall attend as seasonably as he can, in the judgment of the house, and does not depart without leave.

Qualifications of  
a representative.  
See amendments.  
Arts. XIII. and  
XIV.

III. Every member of the house of representatives shall be chosen by written votes; and, for one year at least next preceding his election, shall have been an inhabitant of, and have been seized in his own right of, a freehold of the value of one hundred pounds, within the town he shall be chosen to represent, or any ratable estate to the value of two hundred pounds; and he shall cease to represent the said town, immediately on his ceasing to be qualified as aforesaid.

Qualifications of  
a voter.

See amendments.  
Art. III.

IV. Every male person, being twenty-one years of age, and resident in any particular town in this Commonwealth, for the space of one year next preceding, having a freehold estate within the same town, of the annual income of three pounds, or any estate of the value of sixty pounds, shall have a right to vote in the choice of a representative or representatives for the said town. ●

Representatives,  
when chosen.  
See amendments.  
Arts. X. and XV.

V. The members of the house of representatives shall be chosen annually in the month of May, ten days at least before the last Wednesday of that month.

House alone can  
impeach.

VI. The house of representatives shall be the grand inquest of this Commonwealth; and all impeachments made by them shall be heard and tried by the senate.

House to originate  
all money  
bills.

VII. All money bills shall originate in the house of representatives; but the senate may propose or concur with amendments, as on other bills.

Not to adjourn  
more than two  
days.

VIII. The house of representatives shall have power to adjourn themselves; provided such adjournment shall not exceed two days at a time.

Quorum.

IX. Not less than sixty members of the house of representatives shall constitute a quorum for doing business.

House to judge of  
returns, &c., of  
its own members;  
to choose its officers  
and establish  
its rules, &c.

May punish for  
certain offences.

X. The house of representatives shall be the judge of the returns, elections, and qualifications of its own members, as pointed out in the constitution; shall choose their own speaker, appoint their own officers, and settle the rules and orders of proceeding in their own house. They shall have authority to punish by imprisonment, every person, not a member, who shall be guilty of disrespect to the house, by

any disorderly or contemptuous behavior in its presence ; or who, in the town where the general court is sitting, and during the time of its sitting, shall threaten harm to the body or estate of any of its members, for any thing said or done in the house ; or who shall assault any of them therefor ; or who shall assault, or arrest, any witness, or other person, ordered to attend the house, in his way in going, or returning ; or who shall rescue any person arrested by the order of the house.

And no member of the house of representatives shall be arrested, or held to bail on mean process, during his going unto, returning from, or his attending, the general assembly.

Privileges of members.

XI. The senate shall have the same powers in the like cases ; and the governor and council shall have the same authority to punish in like cases : provided, that no imprisonment, on the warrant or order of the governor, council, senate, or house of representatives, for either of the above described offences, be for a term exceeding thirty days.

Governor and council may punish.  
General limitation.

And the senate and house of representatives may try and determine all cases where their rights and privileges are concerned, and which, by the constitution, they have authority to try and determine, by committees of their own members, or in such other way as they may, respectively, think best.

Trial may be by committee, or otherwise.

## CHAPTER II.

### EXECUTIVE POWER.

#### SECTION I.

##### *Governor.*

ART. I. There shall be a supreme executive magistrate, who shall be styled—THE GOVERNOR OF THE COMMONWEALTH OF MASSACHUSETTS ; and whose title shall be—HIS EXCELLENCY.

Governor.  
His title.

II. The governor shall be chosen annually ; and no person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this Commonwealth for seven years next preceding ; and unless he shall, at the same time, be seized, in his own right, of a freehold, within the Commonwealth, of the value of one thousand pounds ; and unless he shall declare himself to be of the Christian religion.

To be chosen annually.  
Qualifications.

See amendments, Art. VII.

By whom chosen,  
if he have a ma-  
jority of votes.  
See amendments,  
Arts. II., X., XIV.  
and XV.

III. Those persons who shall be qualified to vote for senators and representatives, within the several towns of this Commonwealth, shall, at a meeting to be called for that purpose, on the first Monday of April, annually, give in their votes for a governor, to the selectmen, who shall preside at such meetings; and the town clerk, in the presence and with the assistance of the selectmen, shall, in open town meeting, sort and count the votes, and form a list of the persons voted for, with the number of votes for each person against his name; and shall make a fair record of the same in the town books, and a public declaration thereof in the said meeting; and shall, in the presence of the inhabitants, seal up copies of the said list, attested by him and the selectmen, and transmit the same to the sheriff of the county, thirty days at least before the last Wednesday in May; and the sheriff shall transmit the same to the secretary's office, seventeen days at least before the said last Wednesday in May; or the selectmen may cause returns of the same to be made, to the office of the secretary of the Commonwealth, seventeen days, at least, before the said day; and the secretary shall lay the same before the senate and the house of representatives, on the last Wednesday in May, to be by them examined; and in case of an election by a majority of all the votes returned, the choice shall be by them declared and published; but if no person shall have a majority of votes, the house of representatives shall, by ballot, elect two out of four persons, who had the highest number of votes, if so many shall have been voted for; but, if otherwise, out of the number voted for; and make return to the senate of the two persons so elected; on which, the senate shall proceed, by ballot, to elect one, who shall be declared governor.

How chosen,  
when no per-  
son has a ma-  
jority.

Power of govern-  
or, and of govern-  
or and council.

IV. The governor shall have authority, from time to time, at his discretion, to assemble and call together the councillors of this Commonwealth for the time being; and the governor, with the said councillors, or five of them at least, shall, and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, agreeably to the constitution and the laws of the land.

Same subject.

V. The governor, with advice of council, shall have full power and authority, during the session of the general court, to adjourn or prorogue the same to any time the two houses shall desire; and to dissolve the same on the day next preceding the last Wednesday in May; and, in the recess of the said court, to prorogue the same from time to time, not exceeding ninety days in any one recess; and to call it

See amendments,  
Art. X.

together sooner than the time to which it may be adjourned or prorogued, if the welfare of the Commonwealth shall require the same; and in case of any infectious distemper prevailing in the place where the said court is next at any time to convene, or any other cause happening, whereby danger may arise to the health or lives of the members from their attendance, he may direct the session to be held at some other the most convenient place within the State.

And the governor shall dissolve the said general court on the day next preceding the last Wednesday in May.

See amendments,  
Art. X.

VI. In cases of disagreement between the two houses, with regard to the necessity, expediency, or time of adjournment, or prorogation, the governor, with advice of the council, shall have a right to adjourn or prorogue the general court, not exceeding ninety days, as he shall determine the public good shall require.

Governor and council may adjourn the general court in cases, &c., but not exceeding ninety days.

VII. The governor of this Commonwealth, for the time being, shall be the commander-in-chief of the army and navy, and of all the military forces of the State, by sea and land; and shall have full power, by himself, or by any commander, or other officer or officers, from time to time, to train, instruct, exercise and govern the militia and navy; and, for the special defence and safety of the Commonwealth, to assemble in martial array, and put in warlike posture, the inhabitants thereof, and to lead and conduct them, and with them, to encounter, repel, resist, expel and pursue, by force of arms, as well by sea as by land, within or without the limits of this Commonwealth, and also to kill, slay and destroy, if necessary, and conquer, by all fitting ways, enterprises and means whatsoever, all and every such person and persons as shall, at any time hereafter, in a hostile manner, attempt or enterprise the destruction, invasion, detriment, or annoyance of this Commonwealth; and to use and exercise, over the army and navy, and over the militia in actual service, the law martial, in time of war or invasion, and also in time of rebellion, declared by the legislature to exist, as occasion shall necessarily require; and to take and surprise, by all ways and means whatsoever, all and every such person or persons, with their ships, arms, ammunition and other goods, as shall, in a hostile manner, invade, or attempt the invading, conquering, or annoying this Commonwealth; and that the governor be intrusted with all these and other powers, incident to the offices of captain-general and commander-in-chief, and admiral, to be exercised agreeably to the rules and regulations of the constitution, and the laws of the land, and not otherwise.

Governor to be commander-in-chief.

**Limitation.**

Provided, that the said governor shall not, at any time hereafter, by virtue of any power by this constitution granted, or hereafter to be granted to him by the legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the general court: except so far as may be necessary to march or transport them by land or water, for the defence of such part of the State to which they cannot otherwise conveniently have access.

Governor and council may pardon offences, except, &c.

But not before conviction.

VIII. The power of pardoning offences, except such as persons may be convicted of before the senate, by an impeachment of the house, shall be in the governor, by and with the advice of council; but no charter of pardon, granted by the governor, with advice of the council, before conviction, shall avail the party pleading the same, notwithstanding any general or particular expressions contained therein, descriptive of the offence or offences intended to be pardoned.

All judicial officers, &c., how nominated and appointed. See amendments, Arts. XIV., XVII. and XIX.

IX. All judicial officers, the attorney-general, the solicitor-general, all sheriffs, coroners, and registers of probate, shall be nominated and appointed by the governor, by and with the advice and consent of the council; and every such nomination shall be made by the governor, and made at least seven days prior to such appointment.

Militia officers, how elected.

See amendments, Art. V.

X. The captains and subalterns of the militia shall be elected by the written votes of the train-band and alarm list of their respective companies, of twenty-one years of age and upwards; the field officers of regiments shall be elected by the written votes of the captains and subalterns of their respective regiments; the brigadiers shall be elected, in like manner, by the field officers of their respective brigades; and such officers, so elected, shall be commissioned by the governor, who shall determine their rank.

How commissioned.

The legislature shall, by standing laws, direct the time and manner of convening the electors, and of collecting votes, and of certifying to the governor the officers elected.

Major-generals, how appointed and commissioned.

The major-generals shall be appointed by the senate and house of representatives, each having a negative upon the other; and be commissioned by the governor.

Vacancies, how filled, in case, &c.

And if the electors of brigadiers, field officers, captains or subalterns, shall neglect or refuse to make such elections, after being duly notified, according to the laws for the time being, then the governor, with advice of council, shall appoint suitable persons to fill such offices.

Officers, duly commissioned, how removed.

And no officer, duly commissioned to command in the militia, shall be removed from his office, but by the address

of both houses to the governor, or by fair trial in court martial, pursuant to the laws of the Commonwealth for the time being. See amendments, Art. IV.

The commanding officers of regiments shall appoint their adjutants and quarter-masters; the brigadiers their brigade-majors; and the major-generals their aids; and the governor shall appoint the adjutant-general. Adjutants, &c., how appointed.

The governor, with advice of council, shall appoint all officers of the continental army, whom by the confederation of the United States it is provided that this Commonwealth shall appoint,—as also all officers of forts and garrisons.

The divisions of the militia into brigades, regiments and companies, made in pursuance of the militia laws now in force, shall be considered as the proper divisions of the militia of this Commonwealth, until the same shall be altered in pursuance of some future law. Organization of militia.

XI. No moneys shall be issued out of the treasury of this Commonwealth, and disposed of, (except such sums as may be appropriated for the redemption of bills of credit or treasurer's notes, or for the payment of interest arising thereon) but by warrant under the hand of the governor for the time being, with the advice and consent of the council, for the necessary defence and support of the Commonwealth, and for the protection and preservation of the inhabitants thereof, agreeably to the acts and resolves of the general court. Money, how drawn from the treasury, except, &c.

XII. All public boards, the commissary-general, all superintending officers of public magazines and stores, belonging to this Commonwealth, and all commanding officers of forts and garrisons within the same, shall, once in every three months, officially and without requisition, and at other times, when required by the governor, deliver to him an account of all goods, stores, provisions, ammunition, cannon with their appendages, and small arms with their accoutrements, and of all other public property whatever under their care, respectively; distinguishing the quantity, number, quality and kind of each, as particularly as may be; together with the condition of such forts and garrisons; and the said commanding officer shall exhibit to the governor, when required by him, true and exact plans of such forts, and of the land and sea, or harbor or harbors, adjacent. All public boards, &c., to make quarterly returns

And the said boards, and all public officers, shall communicate to the governor, as soon as may be after receiving the same, all letters, despatches, and intelligences of a public nature, which shall be directed to them respectively.

Salary of governor.

XIII. As the public good requires that the governor should not be under the undue influence of any of the members of the general court, by a dependence on them for his support—that he should, in all cases, act with freedom for the benefit of the public—that he should not have his attention necessarily diverted from that object to his private concerns—and that he should maintain the dignity of the Commonwealth in the character of its chief magistrate—it is necessary that he should have an honorable stated salary, of a fixed and permanent value, amply sufficient for those purposes, and established by standing laws: and it shall be among the first acts of the general court, after the commencement of this constitution, to establish such salary by law accordingly.

Salaries of justices of supreme judicial court.

Salaries to be enlarged, if insufficient.

Permanent and honorable salaries shall also be established by law for the justices of the supreme judicial court.

And if it shall be found, that any of the salaries aforesaid, so established, are insufficient, they shall, from time to time, be enlarged, as the general court shall judge proper.

## CHAPTER II.

### SECTION II.

#### *Lieutenant-Governor.*

Lieutenant-governor; his title and qualifications.

See amendments, Arts. III., VI., X. and XV.

How chosen.

President of council.

Lieutenant-governor a member of, except, &c.

ART. I. There shall be annually elected a lieutenant-governor of the Commonwealth of Massachusetts, whose title shall be—HIS HONOR; and who shall be qualified, in point of religion, property, and residence in the Commonwealth, in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of the votes for this officer, and the declaration of his election, shall be in the same manner; and if no one person shall be found to have a majority of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a majority of the votes of the people to be governor.

II. The governor, and in his absence the lieutenant-governor, shall be president of the council, but shall have no vote in council; and the lieutenant-governor shall always be a member of the council, except when the chair of the governor shall be vacant.

III. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the Commonwealth, or otherwise, the lieutenant-governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which, by this constitution, the governor is vested with, when personally present.

Lieutenant-governor to be acting governor, in case, &c.

## CHAPTER II.

### SECTION III.

*Council, and the Manner of settling Elections by the Legislature.*

ART. I. There shall be a council, for advising the governor in the executive part of the government, to consist of nine persons besides the lieutenant-governor, whom the governor, for the time being, shall have full power and authority, from time to time, at his discretion, to assemble and call together; and the governor, with the said councillors, or five of them at least, shall and may, from time to time, hold and keep a council, for the ordering and directing the affairs of the Commonwealth, according to the laws of the land.

Council.

See amendments, Art. XVI.

II. Nine councillors shall be annually chosen from among the persons returned for councillors and senators, on the last Wednesday in May, by the joint ballot of the senators and representatives assembled in one room; and in case there shall not be found, upon the first choice, the whole number of nine persons who will accept a seat in the council, the deficiency shall be made up by the electors aforesaid from among the people at large; and the number of senators left, shall constitute the senate for the year. The seats of the persons thus elected from the senate, and accepting the trust, shall be vacated in the senate.

Number; from whom, and how chosen.

See amendments, Arts. X., XIII. and XVI.

If senators become councillors their seats to be vacated.

III. The councillors, in the civil arrangements of the Commonwealth, shall have rank next after the lieutenant-governor.

Rank of councillors.

IV. Not more than two councillors shall be chosen out of any one district of this Commonwealth.

No district to have more than two.

V. The resolutions and advice of the council shall be recorded in a register, and signed by the members present; and this record may be called for, at any time, by either house of the legislature; and any member of the council

Register of council.



may insert his opinion, contrary to the resolution of the majority.

Council to exercise the power of governor, in case, &c.

VI. Whenever the office of the governor and lieutenant-governor shall be vacant, by reason of death, absence, or otherwise, then the council, or the major part of them, shall, during such vacancy, have full power and authority, to do, and execute, all and every such acts, matters and things, as the governor or the lieutenant-governor might or could, by virtue of this constitution, do or execute, if they, or either of them, were personally present.

Elections may be adjourned, until, &c.

VII. And whereas the elections appointed to be made by this constitution, on the last Wednesday in May annually, by the two houses of the legislature, may not be completed on that day, the said elections may be adjourned from day to day, until the same shall be completed. And the order of elections shall be as follows: the vacancies in the senate, if any, shall first be filled up; the governor and lieutenant-governor shall then be elected, provided there should be no choice of them by the people; and afterwards the two houses shall proceed to the election of the council.

Order thereof.

## CHAPTER II.

### SECTION IV.

#### *Secretary, Treasurer, Commissary, &c.*

Secretary, &c.; by whom and how chosen. See amendments, Arts. IV. and XVII.

ART. I. The secretary, treasurer and receiver-general, and the commissary-general, notaries public, and naval officers, shall be chosen annually, by joint ballot of the senators and representatives, in one room. And, that the citizens of this Commonwealth may be assured, from time to time, that the moneys remaining in the public treasury, upon the settlement and liquidation of the public accounts, are their property, no man shall be eligible as treasurer and receiver-general more than five years successively.

Treasurer ineligible for more than five successive years.

Secretary to keep records; to attend the governor and council, &c.

II. The records of the Commonwealth shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable, and he shall attend the governor and council, the senate and house of representatives, in person, or by his deputies, as they shall respectively require.

CHAPTER III.

JUDICIARY POWER.

ART. I. The tenure, that all commission officers shall by law have in their offices, shall be expressed in their respective commissions. All judicial officers, duly appointed, commissioned and sworn, shall hold their offices during good behavior, excepting such concerning whom there is different provision made in this constitution: provided, nevertheless, the governor, with consent of the council, may remove them upon the address of both houses of the legislature.

Tenure of all commissioned officers to be expressed. Judicial officers to hold office during good behavior, except, &c. But may be removed on address

II. Each branch of the legislature, as well as the governor and council, shall have authority to require the opinions of the justices of the supreme judicial court, upon important questions of law, and upon solemn occasions.

Justices of supreme judicial court to give opinions when required.

III. In order that the people may not suffer from the long continuance in place of any justice of the peace, who shall fail of discharging the important duties of his office with ability or fidelity, all commissions of justices of the peace shall expire and become void, in the term of seven years from their respective dates; and, upon the expiration of any commission, the same may, if necessary, be renewed, or another person appointed, as shall most conduce to the well being of the Commonwealth.

Justices of the peace; tenure of their office.

IV. The judges of probate of wills, and for granting letters of administration, shall hold their courts at such place or places, on fixed days, as the convenience of the people shall require; and the legislature shall, from time to time, hereafter, appoint such times and places; until which appointments, the said courts shall be holden at the times and places which the respective judges shall direct.

Provisions for holding probate courts.

V. All causes of marriage, divorce and alimony, and all appeals from the judges of probate, shall be heard and determined by the governor and council, until the legislature shall, by law, make other provision.

Provisions for determining causes of marriage, divorce, &c.

CHAPTER IV.

DELEGATES TO CONGRESS.

THE delegates of this Commonwealth to the congress of the United States shall, some time in the month of June, annually, be elected by the joint ballot of the senate and

Delegates to congress.

house of representatives, assembled together in one room ; to serve in congress for one year, to commence on the first Monday in November then next ensuing. They shall have commissions under the hand of the governor, and the great seal of the Commonwealth ; but may be recalled at any time within the year, and others chosen and commissioned, in the same manner, in their stead.

## CHAPTER V.

### THE UNIVERSITY AT CAMBRIDGE, AND ENCOURAGEMENT OF LITERATURE, &c.

#### SECTION I.

#### *The University.*

Harvard College.

ART. I. Whereas our wise and pious ancestors, so early as the year one thousand six hundred and thirty-six, laid the foundation of Harvard College, in which university many persons of great eminence have, by the blessing of GOD, been initiated in those arts and sciences which qualified them for public employments, both in church and state ; and whereas the encouragement of arts and sciences, and all good literature, tends to the honor of GOD, the advantage of the Christian religion, and the great benefit of this, and the other United States of America,—it is declared, that the PRESIDENT AND FELLOWS OF HARVARD COLLEGE, in their corporate capacity, and their successors in that capacity, their officers and servants, shall have, hold, use, exercise and enjoy, all the powers, authorities, rights, liberties, privileges, immunities and franchises, which they now have, or are entitled to have, hold, use, exercise and enjoy ; and the same are hereby ratified and confirmed unto them, the said president and fellows of Harvard College, and to their successors, and to their officers, and servants, respectively, forever.

Powers, privileges, &c., of the president and fellows, confirmed.

II. And whereas there have been, at sundry times, by divers persons, gifts, grants, devises of houses, lands, tenements, goods, chattels, legacies and conveyances, heretofore made, either to Harvard College in Cambridge, in New England, or to the president and fellows of Harvard College, or to the said college, by some other description, under several charters successively ; it is declared, that all the said gifts, grants, devices, legacies and conveyances, are hereby forever confirmed unto the president and fellows of

All gifts, grants, &c., confirmed.

Harvard College, and to their successors, in the capacity aforesaid, according to the true intent and meaning of the donor or donors, grantor or grantors, devisor or devisors.

III. And whereas, by an act of the general court of the colony of Massachusetts Bay, passed in the year one thousand six hundred and forty-two, the governor and deputy-governor, for the time being, and all the magistrates of that jurisdiction, were, with the president, and a number of the clergy in the said act described, constituted the overseers of Harvard College; and it being necessary, in this new constitution of government, to ascertain who shall be deemed successors to the said governor, deputy-governor, and magistrates; it is declared, that the governor, lieutenant-governor, council and senate of this Commonwealth, are, and shall be deemed, their successors; who, with the president of Harvard College, for the time being, together with the ministers of the congregational churches in the towns of Cambridge, Watertown, Charlestown, Boston, Roxbury, and Dorchester, mentioned in the said act, shall be, and hereby are, vested with all the powers and authority belonging, or in any way appertaining, to the overseers of Harvard College: provided, that nothing herein shall be construed to prevent the legislature of this Commonwealth from making such alterations in the government of the said university, as shall be conducive to its advantage, and the interest of the republic of letters, in as full a manner as might have been done by the legislature of the late Province of the Massachusetts Bay.

Who shall be overseers.

Power of alteration reserved to the legislature.

## CHAPTER V.

### SECTION II.

#### *The Encouragement of Literature, &c.*

WISDOM and knowledge, as well as virtue, diffused generally among the body of the people, being necessary for the preservation of their rights and liberties; and as these depend on spreading the opportunities and advantages of education in the various parts of the country, and among the different orders of the people, it shall be the duty of legislatures and magistrates, in all future periods of this Commonwealth, to cherish the interests of literature and the sciences, and all seminaries of them; especially the university at Cambridge, public schools, and grammar schools

Duty of legislatures and magistrates in all future periods. See amendments, Art. XVIII.

in the towns; to encourage private societies, and public institutions, rewards and immunities, for the promotion of agriculture, arts, sciences, commerce, trades, manufactures, and a natural history of the country; to countenance and inculcate the principles of humanity and general benevolence, public and private charity, industry and frugality, honesty and punctuality in their dealings; sincerity, good humor, and all social affections, and generous sentiments among the people.

## CHAPTER VI.

OATHS AND SUBSCRIPTIONS; INCOMPATIBILITY OF AND EXCLUSION FROM OFFICES; PECUNIARY QUALIFICATIONS; COMMISSIONS; WRITS; CONFIRMATION OF LAWS; HABEAS CORPUS; THE ENACTING STYLE; CONTINUANCE OF OFFICERS; PROVISION FOR A FUTURE REVISAL OF THE CONSTITUTION, &c.

ART. I. Any person chosen governor, lieutenant-governor, councillor, senator, or representative, and accepting the trust, shall, before he proceed to execute the duties of his place or office, make and subscribe the following declaration, viz.:

See amendments,  
Art. VII.

“I, A. B., do declare, that I believe the Christian religion, and have a firm persuasion of its truth; and that I am seized and possessed, in my own right, of the property required by the constitution, as one qualification for the office or place to which I am elected.”

And the governor, lieutenant-governor, and councillors, shall make and subscribe the said declaration, in the presence of the two houses of assembly; and the senators and representatives, first elected under this constitution, before the president and five of the council of the former constitution, and forever afterwards, before the governor and council for the time being.

And every person, chosen to either of the places or offices aforesaid, as also any person appointed or commissioned to any judicial, executive, military, or other office under the government, shall, before he enters on the discharge of the business of his place or office, take and subscribe the following declaration, and oaths or affirmations, viz.:

See amendments,  
Art. VI.

“I, A. B., do truly and sincerely acknowledge, profess, testify and declare, that the Commonwealth of Massachu-

setts is, and of right ought to be, a free, sovereign, and independent State; and I do swear, that I will bear true faith and allegiance to the said Commonwealth, and that I will defend the same against traitorous conspiracies and all hostile attempts whatsoever; and that I do renounce and abjure all allegiance, subjection and obedience to the king, queen, or government of Great Britain, (as the case may be,) and every other foreign power whatsoever; and that no foreign prince, person, prelate, state, or potentate, hath, or ought to have, any jurisdiction, superiority, preëminence, authority, dispensing or other power, in any matter, civil, ecclesiastical or spiritual, within this Commonwealth; except the authority and power which is or may be vested by their constituents in the congress of the United States: and I do further testify and declare, that no man, or body of men, hath, or can have, any right to absolve or discharge me from the obligation of this oath, declaration, or affirmation; and that I do make this acknowledgment, profession, testimony, declaration, denial, renunciation and abjuration, heartily and truly, according to the common meaning and acceptation of the foregoing words, without any equivocation, mental evasion, or secret reservation whatsoever. So help me, GOD."

"I, A. B., do solemnly swear and affirm, that I will faithfully and impartially discharge and perform all the duties incumbent on me as \_\_\_\_\_, according to the best of my abilities and understanding, agreeably to the rules and regulations of the constitution, and the laws of the Commonwealth. So help me, GOD."

Provided always, that when any person, chosen or appointed as aforesaid, shall be of the denomination of the people called Quakers, and shall decline taking the said oaths, he shall make his affirmation in the foregoing form, and subscribe the same, omitting the words "*I do swear*," "*and abjure*," "*oath or*," "*and abjuration*," in the first oath; and in the second oath, the words, "*swear and*," and in each of them the words "*So help me, GOD*;" subjoining instead thereof, "*This I do under the pains and penalties of perjury*."

And the said oaths or affirmations shall be taken and subscribed by the governor, lieutenant-governor, and councillors, before the president of the senate, in the presence of the two houses of assembly; and by the senators and representatives first elected under this constitution, before the president and five of the council of the former constitution; and forever afterwards before the governor and council for

the time being ; and by the residue of the officers aforesaid, before such persons, and in such manner, as from time to time shall be prescribed by the legislature.

Plurality of offices prohibited to governor, &c., except, &c.

II. No governor, lieutenant-governor, or judge of the supreme judicial court, shall hold any other office or place, under the authority of this Commonwealth, except such as by this constitution they are admitted to hold, saving that the judges of the said court may hold the offices of justices of the peace through the State ; nor shall they hold any other place or office, or receive any pension or salary from any other State, or government, or power, whatever.

Same subject.

No person shall be capable of holding or exercising at the same time, within this State, more than one of the following offices, viz. : judge of probate—sheriff—register of probate—or register of deeds ; and never more than any two offices, which are to be held by appointment of the governor, or the governor and council, or the senate, or the house of representatives, or by the election of the people of the State at large, or of the people of any county, military offices, and the offices of justices of the peace excepted, shall be held by one person.

Incompatible offices.

See amendments, Art. VIII.

No person holding the office of judge of the supreme judicial court—secretary—attorney-general—solicitor-general—treasurer or receiver-general—judge of probate—commissary-general—president, professor, or instructor of Harvard College—sheriff—clerk of the house of representatives—register of probate—register of deeds—clerk of the supreme judicial court—clerk of the inferior court of common pleas—or officer of the customs, including in this description naval officers—shall at the same time have a seat in the senate or house of representatives ; but their being chosen or appointed to, and accepting the same, shall operate as a resignation of their seat in the senate or house of representatives ; and the place so vacated shall be filled up.

Same subject.

And the same rule shall take place in case any judge of the said supreme judicial court, or judge of probate, shall accept a seat in council ; or any councillor shall accept of either of those offices or places.

Bribery, &c., operates disqualification.

And no person shall ever be admitted to hold a seat in the legislature, or any office of trust or importance under the government of this Commonwealth, who shall, in the due course of law, have been convicted of bribery or corruption, in obtaining an election or appointment.

Value of money ascertained.

Property qualifi-

III. In all cases, where sums of money are mentioned in this constitution, the value thereof shall be computed in silver, at six shillings and eight pence per ounce ; and it

shall be in the power of the legislature, from time to time, to increase such qualifications, as to property, of the persons to be elected to offices, as the circumstances of the Commonwealth shall require. otions may be increased.

IV. All commissions shall be in the name of the Commonwealth of Massachusetts, signed by the governor, and attested by the secretary or his deputy, and have the great seal of the Commonwealth affixed thereto. Provisions respecting commissions.

V. All writs, issuing out of the clerk's office in any of the courts of law, shall be in the name of the Commonwealth of Massachusetts; they shall be under the seal of the court from whence they issue; they shall bear test of the first justice of the court to which they shall be returnable, who is not a party, and be signed by the clerk of such court. Provisions respecting writs.

VI. All the laws, which have heretofore been adopted, used and approved, in the Province, Colony, or State of Massachusetts Bay, and usually practised on in the courts of law, shall still remain and be in full force, until altered or repealed by the legislature; such parts only excepted as are repugnant to the rights and liberties contained in this constitution. Continuation of former laws, except, &c.

VII. The privilege and benefit of the writ of *habeas corpus* shall be enjoyed in this Commonwealth, in the most free, easy, cheap, expeditious and ample manner; and shall not be suspended by the legislature, except upon the most urgent and pressing occasions, and for a limited time, not exceeding twelve months. Benefit of habeas corpus secured, except, &c.

VIII. The enacting style, in making and passing all acts, statutes and laws, shall be—"Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same." The enacting style.

IX. To the end there may be no failure of justice, or danger arise to the Commonwealth, from a change of the form of government, all officers, civil and military, holding commissions under the government and people of Massachusetts Bay, in New England, and all other officers of the said government and people, at the time this constitution shall take effect, shall have, hold, use, exercise and enjoy all the powers and authority to them granted or committed, until other persons shall be appointed in their stead; and all courts of law shall proceed in the execution of the business of their respective departments; and all the executive and legislative officers, bodies and powers, shall continue in full force, in the enjoyment and exercise of all their trusts, employments and authority, until the general court, and the Officers of former government continued until, &c.



supreme and executive officers under this constitution, are designated and invested with their respective trusts, powers and authority.

Provision for revising constitution.

X. In order the more effectually to adhere to the principles of the constitution, and to correct those violations which by any means may be made therein, as well as to form such alterations as from experience shall be found necessary, the general court, which shall be in the year of our Lord one thousand seven hundred and ninety-five, shall issue precepts to the selectmen of the several towns, and to the assessors of the unincorporated plantations, directing them to convene the qualified voters of their respective towns and plantations, for the purpose of collecting their sentiments on the necessity or expediency of revising the constitution, in order to amendments.

Same subject.

And if it shall appear, by the returns made, that two-thirds of the qualified voters throughout the State, who shall assemble and vote in consequence of the said precepts, are in favor of such revision or amendment, the general court shall issue precepts, or direct them to be issued from the secretary's office, to the several towns, to elect delegates to meet in convention for the purpose aforesaid.

The said delegates to be chosen in the same manner and proportion as their representatives in the second branch of the legislature are by this constitution to be chosen.

Provision for preserving and publishing this constitution.

XI. This form of government shall be enrolled on parchment, and deposited in the secretary's office, and be a part of the laws of the land; and printed copies thereof shall be prefixed to the book containing the laws of this Commonwealth, in all future editions of the said laws.

## ARTICLES OF AMENDMENT.

Bill, &c., not approved within five days, not to become a law, if legislature adjourn in the mean time.

ART. I. If any bill or resolve shall be objected to, and not approved by the governor; and if the general court shall adjourn within five days after the same shall have been laid before the governor for his approbation, and thereby prevent his returning it, with his objections, as provided by the constitution, such bill or resolve shall not become a law, nor have force as such.

ART. II. The general court shall have full power and authority to erect and constitute municipal or city governments, in any corporate town or towns in this Commonwealth, and to grant to the inhabitants thereof such powers, privileges and immunities, not repugnant to the constitution, as the general court shall deem necessary or expedient for the regulation and government thereof, and to prescribe the manner of calling and holding public meetings of the inhabitants in wards, or otherwise, for the election of officers under the constitution, and the manner of returning the votes given at such meetings: provided, that no such government shall be erected or constituted in any town not containing twelve thousand inhabitants; nor unless it be with the consent, and on the application, of a majority of the inhabitants of such town, present and voting thereon, pursuant to a vote at a meeting duly warned and holden for that purpose; and provided, also, that all by-laws, made by such municipal or city government, shall be subject, at all times, to be annulled by the general court.

General court empowered to charter cities.

Proviso.

ART. III. Every male citizen of twenty-one years of age and upwards, (excepting paupers and persons under guardianship,) who shall have resided within the Commonwealth one year, and within the town or district, in which he may claim a right to vote, six calendar months next preceding any election of governor, lieutenant-governor, senators, or representatives, and who shall have paid, by himself or his parent, master, or guardian, any state or county tax, which shall, within two years next preceding such election, have been assessed upon him, in any town or district of this Commonwealth; and also, every citizen who shall be by law exempted from taxation, and who shall be in all other respects qualified as above mentioned, shall have a right to vote in such election of governor, lieutenant-governor, senators and representatives; and no other person shall be entitled to vote in such elections.

Qualifications of voters for governor, lieutenant-governor, senators and representatives. II Pick. 538.

ART. IV. Notaries public shall be appointed by the governor, in the same manner as judicial officers are appointed, and shall hold their offices during seven years, unless sooner removed by the governor, with the consent of the council, upon the address of both houses of the legislature.

Notaries public, how appointed and removed.

In case the office of secretary or treasurer of the Commonwealth shall become vacant from any cause, during the recess of the general court, the governor, with the advice and consent of the council, shall nominate and appoint,

Vacancies in the offices of secretary and treasurer, how filled in case, &c. See amendments, Art. XVII.

under such regulations as may be prescribed by law, a competent and suitable person to such vacant office, who shall hold the same until a successor shall be appointed by the general court.

Commissary-general may be appointed, in case, &c.

Whenever the exigencies of the Commonwealth shall require the appointment of a commissary-general, he shall be nominated, appointed and commissioned, in such manner as the legislature may, by law, prescribe.

Militia officers, how removed.

All officers commissioned to command in the militia, may be removed from office in such manner as the legislature may, by law, prescribe.

Who may vote for captains and subalterns.

ART. V. In the elections of captains and subalterns of the militia, all the members of their respective companies, as well those under, as those above the age of twenty-one years, shall have a right to vote.

Oath to be taken by all officers;

ART. VI. Instead of the oath of allegiance prescribed by the constitution, the following oath shall be taken and subscribed by every person chosen or appointed to any office, civil or military, under the government of this Commonwealth, before he shall enter on the duties of his office, to wit:—

“I, A. B., do solemnly swear, that I will bear true faith and allegiance to the Commonwealth of Massachusetts, and will support the constitution thereof. So help me, GOD.”

or affirmation, in case, &c.

*Provided*, That when any person shall be of the denomination called Quakers, and shall decline taking said oath, he shall make his affirmation in the foregoing form, omitting the word “swear,” and inserting, instead thereof, the word “affirm,” and omitting the words “So help me, God,” and subjoining, instead thereof, the words “This I do under the pains and penalties of perjury.”

Tests abolished.

ART. VII. No oath, declaration or subscription, excepting the oath prescribed in the preceding article, and the oath of office, shall be required of the governor, lieutenant-governor, councillors, senators or representatives, to qualify them to perform the duties of their respective offices.

Incompatibility of offices.

ART. VIII. No judge of any court of this Commonwealth, (except the court of sessions,) and no person holding any office under the authority of the United States, (postmasters excepted,) shall, at the same time, hold the office of governor, lieutenant-governor, or councillor, or have a seat in the senate or house of representatives of this Commonwealth;

and no judge of any court in this Commonwealth, (except the court of sessions,) nor the attorney-general, solicitor-general, county-attorney, clerk of any court, sheriff, treasurer and receiver-general, register of probate, nor register of deeds, shall continue to hold his said office after being elected a member of the Congress of the United States, and accepting that trust; but the acceptance of such trust, by any of the officers aforesaid, shall be deemed and taken to be a resignation of his said office; and judges of the courts of common pleas shall hold no other office under the government of this Commonwealth, the office of justice of the peace and militia offices excepted.

ART. IX. If, at any time hereafter, any specific and particular amendment or amendments to the constitution be proposed in the general court, and agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, such proposed amendment or amendments shall be entered on the journals of the two houses, with the yeas and nays taken thereon, referred to the general court then next to be chosen, and shall be published; and if, in the general court next chosen, as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of the senators and two-thirds of the members of the house of representatives present and voting thereon, then it shall be the duty of the general court to submit such proposed amendment or amendments to the people; and if they shall be approved and ratified by a majority of the qualified voters, voting thereon, at meetings legally warned and holden for that purpose, they shall become part of the constitution of this Commonwealth.

Amendments to constitution, how made.

ART. X. The political year shall begin on the first Wednesday of January, instead of the last Wednesday of May; and the general court shall assemble every year on the said first Wednesday of January, and shall proceed, at that session, to make all the elections, and do all the other acts, which are by the constitution required to be made and done at the session which has heretofore commenced on the last Wednesday of May. And the general court shall be dissolved on the day next preceding the first Wednesday of January, without any proclamation or other act of the governor. But nothing herein contained shall prevent the general court from assembling at such other times as they shall judge necessary, or when called together by the governor. The

Commencement of political year,

and termination.

governor, lieutenant-governor and councillors, shall also hold their respective offices for one year next following the first Wednesday of January, and until others are chosen and qualified in their stead.

Meetings for the choice of governor, lieutenant-governor, &c. when to be held. May be adjourned. See amendments. Art. XV.

The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the second Monday of November in every year; but meetings may be adjourned, if necessary, for the choice of representatives, to the next day, and again to the next succeeding day, but no further. But in case a second meeting shall be necessary for the choice of representatives, such meetings shall be held on the fourth Monday of the same month of November.

All the other provisions of the constitution, respecting the elections and proceedings of the members of the general court, or of any other officers or persons whatever, that have reference to the last Wednesday of May as the commencement of the political year, shall be so far altered, as to have like reference to the first Wednesday of January.

Article, when to go into operation.

This article shall go into operation on the first day of October, next following the day when the same shall be duly ratified and adopted as an amendment of the constitution; and the governor, lieutenant-governor, councillors, senators, representatives, and all other state officers, who are annually chosen, and who shall be chosen for the current year, when the same shall go into operation, shall hold their respective offices until the first Wednesday of January then next following, and until others are chosen and qualified in their stead, and no longer; and the first election of the governor, lieutenant-governor, senators and representatives, to be had in virtue of this article, shall be had conformably thereunto, in the month of November following the day on which the same shall be in force and go into operation, pursuant to the foregoing provision.

Inconsistent provisions annulled.

All the provisions of the existing constitution, inconsistent with the provisions herein contained, are hereby wholly annulled.

Religious freedom established.

ART. XI. Instead of the third article of the bill of rights, the following modification and amendment thereof is substituted:—

“As the public worship of God, and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this Commonwealth, whether corporate or unincorporate, at any meeting

legally warned and holden for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses: and all persons belonging to any religious society shall be taken and held to be members, until they shall file with the clerk of such society a written notice declaring the dissolution of their membership, and thenceforth shall not be liable for any grant or contract which may be thereafter made or entered into by such society: and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the Commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law."

ART. XII. In order to provide for a representation of the citizens of this Commonwealth, founded upon the principles of equality, a census of the ratable polls in each city, town and district of the Commonwealth, on the first day of May, shall be taken and returned into the secretary's office, in such manner as the legislature shall provide, within the month of May, in the year of our Lord one thousand eight hundred and thirty-seven, and in every tenth year thereafter, in the month of May, in manner aforesaid: and each town or city having three hundred ratable polls at the last preceding decennial census of polls, may elect one representative, and for every four hundred and fifty ratable polls, in addition to the first three hundred, one representative more.

Census of ratable polls to be taken in 1837, and decennially thereafter.

Representatives, how apportioned. See amendments, Art. XIII.

Any town having less than three hundred ratable polls shall be represented thus: The whole number of ratable polls, at the last preceding decennial census of polls, shall be multiplied by ten, and the product divided by three hundred; and such town may elect one representative as many years within ten years, as three hundred is contained in the product aforesaid.

Towns having less than 300 ratable polls, how represented.

Any city or town having ratable polls enough to elect one or more representatives, with any number of polls beyond the necessary number, may be represented, as to that surplus number, by multiplying such surplus number by ten, and dividing the product by four hundred and fifty; and such city or town may elect one additional representative as many years, within the ten years, as four hundred and fifty is contained in the product aforesaid,

Fractions, how represented.

Towns may unite  
into representa-  
tive districts.

Any two or more of the several towns and districts may, by consent of a majority of the legal voters present at a legal meeting in each of said towns and districts, respectively, called for that purpose, and held previous to the first day of July, in the year in which the decennial census of polls shall be taken, form themselves into a representative district, to continue until the next decennial census of polls, for the election of a representative or representatives; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of ratable polls.

The governor and  
council to deter-  
mine the number  
of representatives  
to which each  
town is entitled.

The governor and council shall ascertain and determine, within the months of July and August, in the year of our Lord one thousand eight hundred and thirty-seven, according to the foregoing principles, the number of representatives which each city, town and representative district is entitled to elect, and the number of years, within the period of ten years then next ensuing, that each city, town and representative district, may elect an additional representative; and where any town has not a sufficient number of polls to elect a representative each year, then, how many years within the ten years, such town may elect a representative: and the same shall be done once in ten years thereafter, by the governor and council, and the number of ratable polls in each decennial census of polls, shall determine the number of representatives which each city, town and representative district may elect as aforesaid; and when the number of representatives to be elected by each city, town or representative district is ascertained and determined as aforesaid, the governor shall cause the same to be published forthwith for the information of the people, and that number shall remain fixed and unalterable for the period of ten years.

New apportion-  
ment to be made  
once in every ten  
years.

Inconsistent pro-  
visions annulled.

All the provisions of the existing constitution inconsistent with the provisions herein contained, are hereby wholly annulled.

Census of inhabi-  
tants to be taken  
in 1840, and de-  
cennially thereaf-  
ter, for basis of  
apportionment of  
senators and rep-  
resentatives.

ART. XIII. A census of the inhabitants of each city and town, on the first day of May, shall be taken and returned into the secretary's office, on or before the last day of June, of the year one thousand eight hundred and forty, and of every tenth year thereafter; which census shall determine the apportionment of senators and representatives for the term of ten years.

Senatorial dis-  
tricts declared  
permanent.

The several senatorial districts now existing, shall be permanent. The senate shall consist of forty members; and in the year one thousand eight hundred and forty, and every

tenth year thereafter, the governor and council shall assign the number of senators to be chosen in each district, according to the number of inhabitants in the same. But, in all cases, at least one senator shall be assigned to each district.

The members of the house of representatives shall be apportioned in the following manner: Every town or city containing twelve hundred inhabitants, may elect one representative; and two thousand four hundred inhabitants shall be the mean increasing number, which shall entitle it to an additional representative.

House of representatives, how apportioned.

Every town containing less than twelve hundred inhabitants shall be entitled to elect a representative as many times, within ten years, as the number one hundred and sixty is contained in the number of the inhabitants of said town. Such towns may also elect one representative for the year in which the valuation of estates within the Commonwealth, shall be settled.

Small towns, how represented.

Any two or more of the several towns may, by consent of a majority of the legal voters present at a legal meeting, in each of said towns, respectively, called for that purpose, and held before the first day of August, in the year one thousand eight hundred and forty, and every tenth year thereafter, form themselves into a representative district, to continue for the term of ten years; and such district shall have all the rights, in regard to representation, which would belong to a town containing the same number of inhabitants.

Towns may unite into representative districts.

The number of inhabitants which shall entitle a town to elect one representative, and the mean increasing number, which shall entitle a town or city to elect more than one, and also the number by which the population of towns, not entitled to a representative every year, is to be divided, shall be increased, respectively, by one-tenth of the numbers above mentioned, whenever the population of the Commonwealth shall have increased to seven hundred and seventy thousand, and for every additional increase of seventy thousand inhabitants, the same addition of one-tenth shall be made, respectively, to the said numbers above mentioned.

Basis of representation, and ratio of increase.

In the year of each decennial census, the governor and council shall, before the first day of September, apportion the number of representatives which each city, town and representative district is entitled to elect, and ascertain how many years, within ten years, any town may elect a representative, which is not entitled to elect one every year; and the governor shall cause the same to be published forthwith.

The governor and council to apportion the number of representatives of each town once in every ten years

Nine councillors shall be annually chosen from among the people at large, on the first Wednesday of January, or as

Councillors to be chosen from the people at large.



soon thereafter as may be, by the joint ballot of the senators and representatives, assembled in one room, who shall, as soon as may be, in like manner, fill up any vacancies that may happen in the council, by death, resignation or otherwise. No person shall be elected a councillor who has not been an inhabitant of this Commonwealth for the term of five years immediately preceding his election; and not more than one councillor shall be chosen from any one senatorial district in the Commonwealth.

Qualifications of councillors.

Freehold as a qualification not required.

No possession of a freehold, or of any other estate, shall be required as a qualification for holding a seat in either branch of the general court, or in the executive council.

Elections by the people to be by plurality of votes.

ART. XIV. In all elections of civil officers by the people of this Commonwealth, whose election is provided for by the constitution, the person having the highest number of votes shall be deemed and declared to be elected.

Time of annual election of governor and legislature.

ART. XV. The meeting for the choice of governor, lieutenant-governor, senators and representatives, shall be held on the Tuesday next after the first Monday in November, annually; but in case of a failure to elect representatives on that day, a second meeting shall be holden, for that purpose, on the fourth Monday of the same month of November.

Eight councillors to be chosen by the people.

ART. XVI. Eight councillors shall be annually chosen by the inhabitants of this Commonwealth, qualified to vote for governor. The election of councillors shall be determined by the same rule that is required in the election of governor.

Legislature to divide State.

The legislature, at its first session after this amendment shall have been adopted, and at its first session after the next State census shall have been taken, and at its first session after each decennial State census thereafterwards, shall divide the Commonwealth into eight districts of contiguous territory, each containing a number of inhabitants as nearly equal as practicable, without dividing any town or ward of a city, and each entitled to elect one councillor: *provided, however*, that if, at any time, the constitution shall provide for the division of the Commonwealth into forty senatorial districts, then the legislature shall so arrange the councillor districts that each district shall consist of five contiguous senatorial districts, as they shall be, from time to time, established by the legislature. No person shall be eligible to the office of councillor who has not been an inhabitant of the Commonwealth for the term of five years immediately preceding his election. The day and manner of the elec-

Qualification of councillors.

tion, the return of the votes, and the declaration of the said elections, shall be the same as are required in the election of governor. Whenever there shall be a failure to elect the full number of councillors, the vacancies shall be filled in the same manner as is required for filling vacancies in the senate; and vacancies occasioned by death, removal from the State, or otherwise, shall be filled in like manner, as soon as may be after such vacancies shall have happened. And that there may be no delay in the organization of the government on the first Wednesday of January, the governor, with at least five councillors for the time being, shall, as soon as may be, examine the returned copies of the records for the election of governor, lieutenant-governor, and councillors; and ten days before the said first Wednesday in January he shall issue his summons to such persons as appear to be chosen, to attend on that day to be qualified accordingly; and the secretary shall lay the returns before the senate and house of representatives on the said first Wednesday in January, to be by them examined; and in case of the election of either of said officers, the choice shall be by them declared and published; but in case there shall be no election of either of said officers, the legislature shall proceed to fill such vacancies in the manner provided in the constitution for the choice of such officers.

Day and manner of election, &c.

Vacancies, how filled.

Organization of the government.

ART. XVII. The secretary, treasurer and receiver-general, auditor, and attorney-general, shall be chosen annually, on the day in November prescribed for the choice of governor; and each person then chosen as such, duly qualified in other respects, shall hold his office for the term of one year from the third Wednesday in January next thereafter, and until another is chosen and qualified in his stead. The qualification of the voters, the manner of the election, the return of the votes, and the declaration of the election, shall be such as are required in the election of governor. In case of a failure to elect either of said officers on the day in November aforesaid, or in case of the decease, in the mean time, of the person elected as such, such officer shall be chosen on or before the third Wednesday in January next thereafter, from the two persons who had the highest number of votes for said offices on the day in November aforesaid, by joint ballot of the senators and representatives, in one room; and in case the office of secretary, or treasurer and receiver-general, or auditor, or attorney-general, shall become vacant, from any cause, during an annual or special session of the general court, such vacancy shall in like man-

Election of secretary, treasurer, auditor and attorney-general, by the people.

Vacancies, how filled.

To qualify within  
10 days, otherwise  
office to be deem-  
ed vacant.

Qualifications  
requisite.

ner be filled by choice from the people at large; but if such vacancy shall occur at any other time, it shall be supplied by the governor by appointment, with the advice and consent of the council. The person so chosen or appointed, duly qualified in other respects, shall hold his office until his successor is chosen and duly qualified in his stead. In case any person chosen or appointed to either of the offices aforesaid, shall neglect, for the space of ten days after he could otherwise enter upon his duties, to qualify himself in all respects to enter upon the discharge of such duties, the office to which he has been elected or appointed shall be deemed vacant. No person shall be eligible to either of said offices unless he shall have been an inhabitant of this Commonwealth five years next preceding his election or appointment.

School moneys  
not to be ap-  
plied for secta-  
rian schools.

ART. XVIII. All moneys raised by taxation in the towns and cities for the support of public schools, and all moneys which may be appropriated by the State for the support of common schools, shall be applied to, and expended in, no other schools than those which are conducted according to law, under the order and superintendence of the authorities of the town or city in which the money is to be expended; and such moneys shall never be appropriated to any religious sect for the maintenance, exclusively, of its own schools.

Legislature to  
prescribe, for the  
election of sher-  
iffs, registers of  
probate, &c., by  
the people.

ART. XIX. The legislature shall prescribe, by general law, for the election of sheriffs, registers of probate, commissioners of insolvency, and clerks of the courts, by the people of the several counties, and that district-attorneys shall be chosen by the people of the several districts, for such term of office as the legislature shall prescribe.

[NOTE.—The Constitution of Massachusetts was agreed upon by delegates of the people, in convention, begun and held at Cambridge, on the first day of September, 1779, and continued by adjournments to the second day of March, 1780, when the convention adjourned to meet on the first Wednesday of the ensuing June. In the meantime the Constitution was submitted to the people, to be adopted by them, provided two-thirds of the votes given should be in the affirmative. When the convention assembled, it was found that the Constitution had been adopted by the requisite number of votes, and the convention accordingly *Resolved*, "That the said Constitution or Frame of Government shall take place on the last Wednesday of October next; and not before, for any purpose, save only for that of making elections, agreeable to this resolution." The first legislature assembled at Boston, on the twenty-fifth day of October, 1780.

The first nine Articles of Amendment were submitted, by delegates in convention assembled November 15, 1820, to the people, and by them approved and adopted, April 9, 1821.

The tenth Article of Amendment was adopted by the legislatures of the political years 1829-30, and 1830-31, and was approved and ratified by the people, May 11, 1831.

The eleventh Article of Amendment was adopted by the legislatures of the political years 1832 and 1833, and was approved and ratified by the people, November 11, 1833.

The twelfth Article of Amendment was adopted by the legislatures of the political years 1835 and 1836, and was approved and ratified by the people, the fourteenth day of November, 1836.

The thirteenth Article of Amendment was adopted by the legislatures of the political years 1839 and 1840, and was approved and ratified by the people, the sixth day of April, 1840.

The fourteenth, fifteenth, sixteenth, seventeenth, eighteenth and nineteenth Articles of Amendment were adopted by the legislatures of the political years 1854 and 1855, and ratified by the people the twenty-third day of May, 1855.]



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LIST OF THE  
CIVIL GOVERNMENT

OF THE

Commonwealth of Massachusetts,

AND OFFICERS IMMEDIATELY CONNECTED THEREWITH,

FOR THE POLITICAL YEAR, 1856.

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# CIVIL GOVERNMENT—1856.

HIS EXCELLENCY

HENRY J. GARDNER,  
GOVERNOR.

HIS HONOR

HENRY W. BENCHLEY,  
LIEUTENANT-GOVERNOR.

## COUNCIL.

HORACE LYMAN,	MOSES G. COBB,
DAVID DAVIS,	JOHN KENRICK,
CHARLES H. STEDMAN,	CALEB D. HUNKING,
JOSIAH G. PEABODY,	EDWARD DENNY,
THOMAS COLT.	

FRANCIS DEWITT,

*Secretary of the Commonwealth.*

CHARLES W. LOVETT, *1st Clerk.* ALBERT L. FERNALD, *2d Clerk.*

MOSES TENNEY, JR.,

*Treasurer and Receiver-General of the Commonwealth.*

DANIEL H. ROGERS, *1st Clerk.* JOHN H. SMITH, *2d Clerk.*

CHANDLER R. RANSOM,

*Auditor of Accounts.*

WILLIAM EVELETH, *Clerk.*

FRANCIS M. ADAMS,

*Messenger to the Governor and Council.*

## SENATE.

ELIHU C. BAKER,  
PRESIDENT.

### SUFFOLK DISTRICT.

Abel B. Munroe,	George M. Thacher,
George Odiorne,	Daniel Warren,
Samuel S. Perkins,	George W. Warren.

### ESSEX DISTRICT.

John Batchelder,	Ben Osgood,
Augustus C. Carey,	William Sutton.
William Hall,	

### MIDDLESEX DISTRICT.

Elihu C. Baker,	John A. Buttrick,
Benjamin H. Brown,	Abiel S. Lewis,
Ephraim W. Bull,	Z. L. Raymond.

### WORCESTER DISTRICT.

Francis H. Dewey,	Velorus Taft,
Jabez Fisher,	Salem Towne.
Artemas Lee,	

### HAMPSHIRE DISTRICT.

William S. Brakenridge,	Oliver Warner.
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### HAMPDEN DISTRICT.

Hiram C. Brown,	Benning Leavitt.
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## FRANKLIN DISTRICT.

Almond Brainard.

## BERKSHIRE DISTRICT.

Benjamin F. Mills, William Taylor.

## NORFOLK DISTRICT.

James E. Carpenter, Benjamin F. White.  
Bradford K. Peirce,

## BRISTOL DISTRICT.

David H. Bartlett, John Rogers.  
Joseph E. Dawley,

## PLYMOUTH DISTRICT.

Amos Bates, Nathan King.

## BARNSTABLE DISTRICT.

Sylvester Baxter, Alfred Kenrick.

## NANTUCKET AND DUKES CO. DISTRICT.

John H. Shaw.

PETER L. COX, *Clerk.*WILLIAM R. MARSH, *Assistant-Clerk.*REV. DANIEL C. EDDY, *Chaplain.*BENJAMIN STEVENS, *Sergeant-at-Arms.*WILLIAM M. WISE, *Door-keeper.*JOHN A. SARGENT, *Assistant Door-keeper.*WILLIAM SAYWARD, *Postmaster.*TILSON FULLER, *Messenger.*WILLIAM R. WISE, *Page.*

## HOUSE OF REPRESENTATIVES.

CHARLES A. PHELPS,  
SPEAKER.

### COUNTY OF SUFFOLK.

*Boston,*

Milton Austin,  
James H. Beal,  
Hiram Bosworth,  
Osmyn Brewster,  
Robert I. Burbank,  
H. G. K. Calef,  
George P. Clapp,  
John Codman,  
Morrill Cole,  
Charles C. Conley,  
George Dennie,  
Charles Dupee,  
Micah Dyer, Jr.,  
Charles Emerson,  
Lewis Endicott,  
Isaac W. Frye,  
Charles Hale,  
Theodore P. Hale,  
Samuel W. Hall,  
Daniel Hammond,  
Thomas Haviland,  
Calvin P. Hinds,

*Boston,*

Justin Jones,  
 Peter C. Jones,  
 Noah Lincoln, Jr.,  
 Harrison Loring,  
 William Makepeace,  
 Watson G. Mayo,  
 Elias Merwin,  
 Richard Nutter,  
 Charles A. Phelps, *Speaker*,  
 John H. Pitman,  
 George H. Plummer,  
 William Read,  
 Harrison Ritchie,  
 Charles O. Rogers,  
 John W. Rogers,  
 James W. Sever,  
 Asa Swallow,  
 David Thayer,  
 Stephen Tilton,  
 Charles Torrey,  
 Edward A. Vose,  
 J. Otis Williams.  
*Chelsea,* Samuel Batchelder,  
*North Chelsea,* Samuel Orcutt.  
 John F. Fenno.

## COUNTY OF ESSEX.

*Amesbury,*

Dudley Evans.

*Andover,*

Moses Foster, Jr.,  
 Gayton P. Osgood.

*Beverly,*

John I. Baker,  
 Richard P. Waters.

*Boxford,**Bradford,**Danvers,*

Israel W. Andrews,  
 Eben S. Poor,  
 Alonzo P. Phillips.  
*Essex,* Samuel Story.

<i>Georgetown,</i>	George I. Tenney.
<i>Gloucester,</i>	Jeremiah R. Cook,
	Edward H. Pearce.
<i>Groveland,</i>	John Tenney.
<i>Hamilton,</i>	
<i>Haverhill,</i>	Trueman M. Martyn,*
	William Taggart.
<i>Ipswich,</i>	James Estes.
<i>Lawrence,</i>	John Gale,
	Benjamin Harding,
	Thomas W. Floyd.
<i>Lynn,</i>	James S. Lewis,
	Roland G. Usher,
	William F. Johnson,
	Jesse K. Snow.
<i>Lynnfield,</i>	David A. Titcomb.
<i>Manchester,</i>	Albert E. Low.
<i>Marblehead,</i>	Franklin Knight,
	Thomas W. Webber.
<i>Methuen,</i>	Joseph F. Ingalls.
<i>Middleton,</i>	
<i>Nahant,</i>	
<i>Newbury,</i>	Joseph Lunt.
<i>Newburyport,</i>	Joshua D. Robinson,
	Daniel M. Reed,
	William H. Huse.
<i>North Andover,</i>	
<i>Rockport,</i>	Samuel York.
<i>Rowley,</i>	
<i>Salem,</i>	Edward B. Arnold,
	John Chamberlain,
	George H. Devereux,
	Henry Luscomb, Jr.,
	John W. Russell,
	John W. Rhoades.
<i>Salisbury,</i>	William H. Bagley.
<i>Saugus,</i>	William H. Newhall.

\* Deceased.

*South Danvers,  
Swampscott,  
Topsfield,  
Wenham,  
West Newbury,*

Joseph Z. Gordon.

COUNTY OF MIDDLESEX.

*Acton,  
Ashby,  
Ashland,  
Bedford,  
Billerica,  
Boxborough,  
Brighton,  
Burlington,  
Cambridge,*

Aaron C. Handley.

Zenas Herrick.

William Warren.

William Parker,  
Henry S. Hills,  
Franklin Hall,  
Asa F. Lawrence,  
Eben Manson.

*Carlisle,  
Charlestown,*

James Emery,  
Lyman B. Goss,  
Joseph Lovett,  
Edward R. Robinson,  
Phineas J. Stone.  
Joseph Manning.  
Samuel Staples.  
Joseph B. V. Coburn.

*Chelmsford,  
Concord,  
Dracut,  
Dunstable,  
Framingham,  
Groton,  
Holliston,  
Hopkinton,  
Lexington,  
Lincoln,  
Littleton,*

Josiah H. Temple.  
John W. Parker.  
George Batchelder.  
Uriah Bowker.  
Simon W. Robinson.

*Lowell,*

Joseph M. Burt,  
Caleb Crosby,  
Weare Clifford,  
Luther J. Fletcher,  
Charles F. Hard,  
Asa Hildreth,  
Jonathan Johnson,  
Henry Phelps, Jr.,  
Augustus B. Roby,  
Jonathan Weeks.  
David R. Shepard.  
Hollis Loring.  
John Sparrell.

*Malden,  
Marlborough,  
Medford,  
Melrose,  
Natick,  
Newton,*

Isaac Felch.  
Isaac Hagar,  
Charles E. Pike.

*North Reading,  
Pepperell,  
Reading,  
Sherborn,  
Shirley,  
Somerville,  
South Reading,  
Stoneham,  
Stow,  
Sudbury,  
Tewksbury,  
Townsend,  
Tyngsborough,  
Waltham,  
Watertown,  
Wayland,  
West Cambridge,  
Westford,  
Weston,  
Wilmington,  
Winchester,  
Woburn,*

Alfred L. Lawrence.  
Thomas N. Jones.

Isaac Story.  
James Oliver.  
Samuel Tidd.

Cyrus Taylor.

F. A. Worcester.

William P. Childs.  
Levi Thaxter.

Nehemiah M. Fessenden.  
Calvin Howard.

Aaron D. Weld.  
Ebenezer N. Blake.

## COUNTY OF WORCESTER.

<i>Ashburnham,</i>	Ohio Whitney, Jr.
<i>Athol,</i>	James I. Goulding.
<i>Auburn,</i>	
<i>Barre,</i>	Warner Smith.
<i>Berlin,</i>	
<i>Blackstone,</i>	Henry S. Mansfield.
<i>Bolton,</i>	
<i>Boylston,</i>	
<i>Brookfield,</i>	Newton Dunton.
<i>Charlton,</i>	Mason Marble.
<i>Clinton,</i>	Horace Faulkner.
<i>Dana,</i>	
<i>Douglas,</i>	Edwin Moore.
<i>Dudley,</i>	Lemuel Healy.
<i>Fitchburg,</i>	Salmon W. Putnam,
	Benjamin M. Smith.
<i>Gardner,</i>	Asa Merriam.
<i>Grafton,</i>	Chandler M. Pratt.
<i>Hardwick,</i>	William Mixer.
<i>Harvard,</i>	Ebenezer C. Willard.
<i>Holden,</i>	Silas Flagg, Jr.
<i>Hubbardston,</i>	Levi Miles.
<i>Lancaster,</i>	John G. Thurston.
<i>Leicester,</i>	Lucius Woodcock.
<i>Leominster,</i>	William Heustis.
<i>Lunenburg,</i>	Solomon Tarbell.
<i>Mendon,</i>	
<i>Milford,</i>	Horace B. Hero.
<i>Millbury,</i>	Joseph Robbins.
<i>New Braintree,</i>	
<i>Northborough,</i>	Levi Wheeler.
<i>Northbridge,</i>	Jeremiah Robinson.
<i>North Brookfield,</i>	Levi Adams.
<i>Oakham;</i>	
<i>Oxford,</i>	George W. Hartwell.
<i>Paxton,</i>	
<i>Petersham,</i>	John G. Mudge.

*Phillipston,  
Princeton,  
Royalston,  
Rutland,  
Shrewsbury,  
Southborough,  
Southbridge,  
Spencer,  
Sterling,  
Sturbridge,  
Sutton,  
Templeton,  
Upton,  
Uxbridge,  
Warren,  
Webster,  
Westborough,  
West Boylston,  
West Brookfield,  
Westminster,  
Winchendon,  
Worcester,*

Jervis Davis.  
Abram H. Temple.  
  
Ezekiel D. Rockwood.  
John Edwards.  
Dennis Ward.  
Moses Sawyer, 2d.  
David K. Porter.  
Sumner Cole.  
John Sawyer, 2d.  
Elijah W. Wood.  
Charles A. Taft.  
Samuel E. Blair.  
Parmenus Keith.  
Charles P. Rice.  
Amos Child.  
  
Harrison G. Whitney.  
Maynard Partridge.  
Harrison Bliss,  
Elijah B. Stoddard,  
Putman W. Taft,  
George W. Russell,  
John H. Brooks.

## COUNTY OF HAMPSHIRE.

*Amherst,  
Belchertown,  
Chesterfield,  
Cummington,  
Easthampton,  
Enfield,  
Goshen,  
Granby,  
Greenwich,  
Hadley,*

Baxter Eastman.  
Ebenezer Warner.  
  
George L. Shaw.  
  
P. Smith Williams.



*Hatfield,  
Huntington,  
Middlefield,  
Northampton,*

Reuben H. Belden.

Daniel Kingsley,  
Samuel L. Parsons.

*Pelham,  
Plainfield,  
Prescott,  
South Hadley,  
Southampton,  
Ware,  
Westhampton,  
Williamsburg,  
Worthington,*

Dexter Ingraham.  
Lysander B. Bates.  
Samuel H. Phelps.

Thomas Meekins.

## COUNTY OF HAMPDEN.

*Agawam,  
Blandford,  
Brimfield,  
Chester,  
Chicopee,*

Ralsa Taggart.  
Alfred L. Converse.

Sylvester Allen,  
Jonathan Jones,  
John H. Smith.

*Granville,  
Holland,  
Holyoke,  
Longmeadow,  
Ludlow,  
Monson,  
Montgomery,  
Palmer,  
Russell,  
Southwick,  
Springfield,*

Joshua Gray.  
Stephen T. Colton.  
Elisha T. Parsons.  
William B. Converse.

Alonzo N. Dewey.

Horatio N. Case,  
William Crossman,  
Willis Phelps,  
Henry Pomeroy.

*Tolland,*

<i>Wales,</i>	Nathaniel Chapin.
<i>Westfield,</i>	Jonathan W. Freeland.
<i>West Springfield,</i>	John Baldwin.
● <i>Wilbraham,</i>	

## COUNTY OF FRANKLIN.

<i>Ashfield,</i>	Manly Guilford.
<i>Bernardston,</i>	
<i>Buckland,</i>	
<i>Charlemont,</i>	
<i>Colerain,</i>	Adams Calhoun Deane.
<i>Conway,</i>	Edwin Cooley.
<i>Deerfield,</i>	Edward W. Stebbins.
<i>Erving,</i>	
<i>Gill,</i>	
<i>Greenfield,</i>	Samuel O. Lamb.
<i>Hawley,</i>	
<i>Heath,</i>	
<i>Leverett,</i>	
<i>Leyden,</i>	
<i>Monroe,</i>	
<i>Montague,</i>	
<i>New Salem,</i>	
<i>Northfield,</i>	Elijah Stratton.
<i>Orange,</i>	Solomon A. Howe.
<i>Rowe,</i>	
<i>Shelburne,</i>	
<i>Shutesbury,</i>	
<i>Sunderland,</i>	
<i>Warwick,</i>	
<i>Wendell,</i>	
<i>Whately,</i>	Hiram Smith.

## COUNTY OF BERKSHIRE.

<i>Adams,</i>	Elihu C. Hawkes,
	Daniel Upton.
<i>Alford,</i>	
<i>Becket,</i>	

<i>Cheshire,</i>	Russell C. Brown.
<i>Clarksburg,</i>	
<i>Dalton,</i>	Thomas G. Carson.
<i>Egremont,</i>	
<i>Florida,</i>	
<i>Great Barrington,</i>	Charles J. Taylor.
<i>Hancock,</i>	
<i>Hinsdale,</i>	
<i>Lanesborough,</i>	
<i>Lee,</i>	Charles S. Thatcher.
<i>Lenox,</i>	Horatio N. Sears.
<i>Monterey,</i>	
<i>Mount Washington,</i>	
<i>New Ashford,</i>	
<i>New Marlborough,</i>	Edwin Adams.
<i>Otis,</i>	Lorenzo Webb.
<i>Peru,</i>	
<i>Pittsfield,</i>	Henry S. Briggs, John C. West.
<i>Richmond,</i>	
<i>Sandisfield,</i>	Lemuel K. Strickland.
<i>Savoy,</i>	
<i>Sheffield,</i>	Joseph Willcox.
<i>Stockbridge,</i>	Thomas Wells.
<i>Tyringham,</i>	
<i>Washington,</i>	
<i>West Stockbridge,</i>	Heman Ford.
<i>Williamstown,</i>	Richard W. Swan.
<i>Windsor,</i>	

## COUNTY OF NORFOLK.

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<i>Braintree,</i>	John N. Turner.
<i>Brookline,</i>	Samuel Davenport.
<i>Canton,</i>	George Beal, Jr.
<i>Cohasset,</i>	Ezra Wilkinson.
<i>Dedham,</i>	

<i>Dorchester,</i>	James H. Upham, Gustavus E. Haynes.
<i>Dover,</i>	
<i>Foxborough,</i>	John Littlefield.
<i>Franklin,</i>	Mason S. Southworth.
<i>Medfield,</i>	
<i>Medway,</i>	Tisdale S. White.
<i>Milton,</i>	Samuel Babcock.
<i>Needham,</i>	Jonathan Fuller.
<i>Quincy,</i>	Wyman Abercrombie, William W. Baxter.
<i>Randolph,</i>	George W. Paine.
<i>Roxbury,</i>	Isaac S. Burrell, William Gaston, James Guild, Amos Stevens, Melancthon Smith, Samuel Walker.
<i>Sharon,</i>	George W. Gay.
<i>Stoughton,</i>	Charles A. French.
<i>Walpole,</i>	Jeremiah Allen.
<i>Weymouth,</i>	Daniel Dyer, Abner Holbrook.
<i>West Roxbury,</i>	
<i>Wrentham,</i>	Charles W. Farrington.

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<i>Berkley,</i>	Enoch Boyce, Jr.
<i>Dartmouth,</i>	Nathaniel Potter, Jr.
<i>Dighton,</i>	George F. Gavitt.
<i>Easton,</i>	William Barrows.
<i>Fairhaven,</i>	Daniel J. Lewis.
<i>Fall River,</i>	Job B. Ashly, John S. Brayton, Jonathan E. Morrill, Brayton Slade.
<i>Freetown,</i>	Merchant White.

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Nathaniel Gilbert,  
John Hicks,  
Daniel Homer,  
Edward Milliken,  
Henry F. Thomas.  
George B. Crane.  
Nathan P. Towne.  
Alpheus Pratt, Jr.  
Nelson Goff.  
Francis Armington.

*Norton,  
Pawtucket,  
Raynham,  
Rehoboth,  
Seekonk,  
Somerset.  
Swanzey,  
Taunton,*

Benjamin S. Earle.  
Lawson Blood,  
Job M. Godfrey,  
Andrew Pollard.  
Abiel Davis.

*Westport,*

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*Abington,  
  
Bridgewater,  
Carver,  
Duxbury,  
East Bridgewater,  
Halifax,  
Hanover,  
Hanson,  
Hingham,  
Hull,  
Kingston,  
Lakeville,  
Marion,  
Marshfield,  
Middleborough,  
  
North Bridgewater,  
Pembroke,*

Nathan S. Jenkins,  
James M. Pool.  
Elbridge Keith.

Murlin Gardner.  
Isaac Pratt.

William Whiton.

Edward Gray.

Seth Weston.  
Jared Pratt, 2d,  
Soranus Standish.  
Azariah B. Wheeler.

<i>Plymouth,</i>	Ezra Leach, Charles Nelson.
<i>Plympton,</i>	
<i>Rochester,</i>	Amitta B. Hammond.
<i>Scituate,</i>	Thomas Conant.
<i>South Scituate,</i>	Henry J. Curtis.
<i>Wareham,</i>	Jason F. Murdock.
<i>West Bridgewater,</i>	

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<i>Barnstable,</i>	John A. Baxter, Nathan Crocker.
<i>Brewster,</i>	
<i>Chatham,</i>	Heman Smith.
<i>Dennis,</i>	Joshua C. Howes.
<i>Eastham,</i>	
<i>Falmouth,</i>	Erasmus Gould.
<i>Harwich,</i>	Elkanah Nickerson.
<i>Orleans,</i>	Josiah Freeman.
<i>Provincetown,</i>	Joseph P. Johnson.
<i>Sandwich,</i>	Charles H. Nye.
<i>Truro,</i>	Samuel H. Smith, Jr.
<i>Wellfleet,</i>	John Y. Jacobs.
<i>Yarmouth,</i>	Samuel Thacher, Jr.

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<i>Edgartown,</i>	John Vinson.
<i>Tisbury,</i>	Nathan Mayhew.

## COUNTY OF NANTUCKET.

<i>Nantucket,</i>	William Barney, Edward Hammond, John Morrisy.
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ALEXIS POOLE, *Door-keeper.*

AUGUSTUS LOTHROP, *Messenger.*

HENRY OAKS, *Assistant-Messenger.*

WILLIAM SAYWARD, *Postmaster.*

JOSEPH P. DEXTER, JR., *Page.*

AMASA H. TOLMAN, *Assistant-Page.*

# Commonwealth of Massachusetts.

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SECRETARY'S OFFICE, BOSTON, }  
August 9, 1856. }

I hereby certify that the printed Acts, Resolves, &c., contained in this pamphlet, are true copies of the originals.

FRANCIS DEWITT,  
*Secretary of the Commonwealth.*





# I N D E X

TO THE

ACTS, RESOLVES, &c., CONTAINED IN THIS VOLUME.

## A.

Abington Mutual Fire Insurance Company, to incorporate, . . .	Page 123
Academy, Titicut, of Middleborough, to incorporate, . . .	246
"    Westfield, to aid in the establishment of an Agricultural Department in, . . . . .	83
Accounts against the Commonwealth, Resolves in relation to, . . .	282
Actions, certain, relating to the venue of, . . . . .	36
"    Civil, parties in, enabled to be Witnesses, . . . . .	108
"    Civil, relating to return of Writs in, before Justices of the Peace and Police Courts, . . . . .	48
Adams Bank, to increase the Capital Stock of, . . . . .	196
Address of the Governor, . . . . .	297
Adulterated Milk, to punish Fraud by sale of, . . . . .	130
Affirmations and Oaths, County Commissioners authorized to administer,	28
Agawam Bridge Company, to incorporate, . . . . .	198
Aged Females, Home for, and Children's Home, in Roxbury, to incor- porate, . . . . .	155
Aged Women in Salem, Society for the relief of, to incorporate, . .	241
Agent of Charles River and Warren Bridges to lease a Wharf adjoining Warren Bridge, . . . . .	243
Agricultural Branch Railroad, extending time for the construction of, .	157
"    Department in Westfield Academy, to aid in the establish- ment of, . . . . .	83
"    Societies which receive the bounty of the State, in addition to Act concerning, . . . . .	105
"    Society, Eastern Hampden, to incorporate, . . . . .	88
"    "    Nantucket, to incorporate, . . . . .	15
"    "    Worcester South, Resolve in favor of, . . . . .	258
Agriculture, Board of, Resolves concerning the Annual Report of the Secretary of, . . . . .	268

Agriculture, Massachusetts School of, to incorporate, . . . . .	Page 152
Aiken, Lewis, Resolve on the Petition of, . . . . .	269
Albany Street, in the City of Boston, in addition to Act to extend, . . . . .	55
Alien Passengers and State Paupers, relating to the Board of Commissioners on, . . . . .	230
Almshouse, State, at Bridgewater, Resolve in favor of, . . . . .	292
Almshouses, State, Resolve in favor of, . . . . .	277
American Hotel Company, in the North Village, in Adams, to incorporate, . . . . .	82
"    Lead Works, to change the Name of, . . . . .	5
Amesbury Street Baptist Society, to change the Name, and legalize the doings of, . . . . .	237
Amherst and Belchertown Railroad, to extend the time for locating and constructing, . . . . .	44
Annexation of parts of each of the Towns of Cambridge and Somerville to the other, . . . . .	76
"    of Chelsea to Boston, . . . . .	77
"    of part of Boxford to Groveland, . . . . .	31
"    of part of Braintree to Quincy, . . . . .	72
"    of part of Stoneham to South Reading, . . . . .	48
Annual Report of the Secretary of the Board of Agriculture, Resolves concerning, . . . . .	268
Annual Reports of Railroad Corporations, in addition to Acts relating to, . . . . .	92
Appeals in Criminal Cases, in relation to, . . . . .	71
Appleton, Nathaniel, and others, Resolve on Petition of, relative to the Salem Charitable Marine Society, . . . . .	276
Aqueduct Company, Lebanon Springs, in aid of, . . . . .	165
Artificial Propagation of Fish, Resolve concerning, . . . . .	277
Assault upon the Honorable Charles Sumner, at Washington, Resolves concerning, . . . . .	285
Assessment and Collection of Taxes, in relation to, . . . . .	154
"    of Taxes in the City of Lynn in 1853 and 1854, in relation to, . . . . .	82
"    "    in the Town of Stoughton for 1854, to legalize, . . . . .	83
Assignment and Distribution of the Property of Insolvent Debtors, to repeal Chapter 238, of the Acts of 1836, regulating, . . . . .	91
Assistant-Attorney for the County of Suffolk, to establish the office of, . . . . .	35
Assistant-Clerk of the Supreme Judicial Court in Suffolk County, establishing the office of, . . . . .	20
Assistant-Messenger to the Governor and Council, Resolve in favor of the Widow of John V. Low, deceased, . . . . .	260
Association, Bowdoin Literary, of Dorchester, to incorporate, . . . . .	23
"    Chebacco Library, to incorporate, . . . . .	81
"    Congregational Library, of Boston, to hold additional Real and Personal Estate, . . . . .	71
"    Duston Monument, to incorporate, . . . . .	19
"    Gardner Library, to incorporate, . . . . .	54
"    Ladies' Charitable, at Haverhill, to incorporate, . . . . .	77
"    Liberty Hall, Directors of, to purchase additional Real Estate, . . . . .	116
"    Lynn Library, in addition to Act incorporating, . . . . .	125

# INDEX.

iii

Association, Mercantile Library, in addition to Act incorporating, . . . . .	Page 24
“ South Berkshire Institute, to incorporate, . . . . .	193
“ Worcester County Mechanics', in addition to Act incorporating, . . . . .	111
“ Worcester District Methodist Episcopal Church Camp-Meeting, Trustees of, incorporated, . . . . .	61
“ Young Men's Library, of Worcester, in addition to Act incorporating, . . . . .	26
Associations, Law Library, in further addition to Act relating to, . . . . .	37, 107
Astor Library, Resolve in favor of, . . . . .	259
Athenaeum, Blackstone, to incorporate, . . . . .	16
“ Fall River, to incorporate, . . . . .	60
“ Jamaica Plain, to incorporate, . . . . .	53
Attachments, relating to the Record of, . . . . .	123
Attleborough, Congregational Society in the Second Precinct in, additional to Act incorporating, . . . . .	70
Attorney, Assistant, for the County of Suffolk, to establish the office of, . . . . .	35
“ General's Office, Resolves concerning, . . . . .	278
“ of the Middle District, in relation to the Salary of, . . . . .	161
“ of the South-Eastern District, to fix the Salary of, . . . . .	201
Auditors, to authorize the appointment of, and defining their powers, . . . . .	119

## B.

Back Bay, Resolve in relation to Lands in, . . . . .	284
Bail Bonds, respecting the manner of Sureties surrendering their Principals in, to amend the 49th Chapter of the Revised Statutes, . . . . .	18
Bank, Adams, to increase the Capital Stock of, . . . . .	196
“ Maverick, in East Boston, in addition to Act incorporating, . . . . .	33
“ Millbury, to increase the Capital Stock of, . . . . .	192
“ of Mutual Redemption, in addition to Act incorporating, . . . . .	67
“ Shelburne Falls, to incorporate, . . . . .	200
“ Wamsutta, in Fall River, to incorporate, . . . . .	191
Baptist Society, Amesbury Street, to change the Name, and legalize the doings of, . . . . .	237
“ “ in Lawrence, First, Name of the Amesbury Street Baptist Society changed to, . . . . .	237
“ “ in Salem, Central, changing the Name of the Second Baptist Society to, and the time of their Annual Meeting, . . . . .	14
“ “ in Salem, Second, changing the Name, and the time of their Annual Meeting, . . . . .	14
Barker's River in Pembroke, relating to Fish Ways at the several Dams on, . . . . .	43
Barnstable, Fisheries on the South Shore and Bays, on the south side of the Town of, and District of Marshpee, to protect, . . . . .	125
Barre and North Brookfield Railroad, to extend the time for the construction of, . . . . .	16

Barstow, W. C., B. C. Ward, E. S. Rand and C. C. Gilbert, to extend their Wharf, . . . . .	Page 22, 45
Bass River in Beverly, Bridge across, County Commissioners of Essex to lay out a Highway, and build, . . . . .	148
Bates, Joshua, and Albert Bowker, to build and extend their Wharves, . . . . .	46
Beaches in the Town of Swampscott, concerning, . . . . .	127
Beaman Manufacturing Company authorized to increase their Capital Stock, . . . . .	11
Belchertown, Resolve in favor of the Town of, . . . . .	264
Benevolent Society, Female, at South Danvers, to incorporate, . . . . .	33
“ “ Independent, in Newburyport, to incorporate, . . . . .	124
“ “ Ladies', of Newbury, to incorporate, . . . . .	129
Benson, Jared, and others, Resolves on Petition of, . . . . .	261
Berlin, Town of, Resolve in favor of, . . . . .	263
Beverly, Highway and Bridge across Bass River in, County Commissioners of Essex to lay out and build, . . . . .	148
Birthday of Washington, Resolves relative to the observance of, . . . . .	258
Blackstone Athenæum, to incorporate, . . . . .	16
“ Police Court in, to abolish, . . . . .	42
Blake, Edward, Resolve on Petition of, to sell Real Estate, . . . . .	266
Board of Agriculture, Annual Report of the Secretary of, Resolves concerning, . . . . .	268
“ Trade, Boston, Resolve in favor of, . . . . .	280
Boat Meadow River, Bridge across, Selectmen of Eastham to build, . . . . .	147
Boice, Patrick, Resolve on Petition of, to sell Real Estate, . . . . .	275
Bonds, Bail, respecting the manner of Sureties surrendering their Principals in, amending the 49th Chapter of the Revised Statutes, . . . . .	18
Boston, Barre and Gardner Railroad Company, concerning, . . . . .	60
“ Board of Trade, Resolve in favor of, . . . . .	280
“ and Cape Cod Marine Telegraph Company, to incorporate, . . . . .	63
“ and Chelsea Railroad Company, concerning, . . . . .	73
“ Chelsea reannexed to, . . . . .	77
“ Clearing House, in relation to, . . . . .	48
“ Faucet Company, Name of American Lead Works changed to, . . . . .	5
“ Harbor of, in addition to Act concerning Lines in, . . . . .	235
“ “ Mystic River and Dorchester Bay, concerning, . . . . .	226
“ “ to protect, . . . . .	237
“ “ Scientific Survey of, Resolves relative to, . . . . .	264
“ Inland Mutual Insurance Company, to incorporate, . . . . .	114
“ and Kennebec Steamboat Company, to incorporate, . . . . .	50
“ and Lowell, the Fitchburg and the Grand Junction Railroads, Bridge at the intersection of, . . . . .	232
“ and Lowell Railroad, additional Branch Track in the City of Lowell, authorized, . . . . .	68
“ “ “ “ Company, amending Act passed May 21, 1855, authorizing alteration in the construction and location of a Bridge, . . . . .	23
“ “ “ “ Company, extending time of construction of Branch Railroad in Boston, by, . . . . .	93

# INDEX.

v

Boston and Lowell and Salem and Lowell Railroad Companies, concerning, . . . . .	Page 91
“ “ New Orleans Steamship Company, to incorporate, . . . . .	146
“ “ New York Central Railroad, Bridge across, in Dorchester, County Commissioners of Norfolk to construct, . . . . .	39
“ “ “ “ Central Railroad Company, concerning, . . . . .	16
“ “ “ “ Central Railroad, extending the time for the construction of, . . . . .	18
“ “ North Cambridge Omnibus Company, to incorporate, . . . . .	113
“ “ Roxbury Mill Corporation, concerning, . . . . .	106
Boundary Line between Cambridge and Somerville, altering, and annexing portions of each to the other, . . . . .	76
“ “ between Chilmark and the Indians of Gay Head, to establish and confirm, . . . . .	120
“ “ between Danvers and South Danvers, determining, . . . . .	151
“ “ new, between Salem and South Danvers, establishing, . . . . .	74
“ “ between South Scituate and Hanover, Resolves in relation to, . . . . .	286
“ “ between Uxbridge and Northbridge, changing, . . . . .	80
Bounty of State, Agricultural Societies which receive, in addition to Act concerning, . . . . .	106
Bowdoin Literary Association of Dorchester, to incorporate, . . . . .	23
“ Mutual Fire Insurance Company, to incorporate, . . . . .	220
Bowker, Albert, and Joshua Bates, to build and extend their Wharves, . . . . .	46
Boxford, Ipswich River Fisheries in the Town of, to protect, . . . . .	28
“ part of the Town of, annexed to Groveland, . . . . .	31
“ Town of, Resolve in favor of, . . . . .	276
Boys, State Reform School for, and State Industrial School for Girls, relating to support of certain Inmates of, . . . . .	84
“ “ “ “ “ at Westborough, Resolve concerning, . . . . .	291
Braintree, part of the Town of, annexed to Quincy, . . . . .	72
Branch Railroad, Agricultural, extending the time for the construction of, . . . . .	167
“ “ into Boston, by the Boston and Lowell Railroad Corporation, to extend the time of construction, . . . . .	93
“ “ Newburyport Railroad Company to construct, in addition to Act authorizing, . . . . .	45
“ “ Plympton, to change the Name of, . . . . .	17
Branch Track, additional, of the Boston and Lowell Railroad Company, in the City of Lowell, authorized, . . . . .	68
Breakwater at Cape May, Resolves concerning, . . . . .	270
Breitt, Benjamin H., and Barnabas S. Young, to build a Wharf, . . . . .	112
Bridge across Bass River in Beverly, County Commissioners of Essex to lay out a Highway, and build, . . . . .	148
“ across Boat Meadow River, Selectmen of Eastham to build, . . . . .	147
“ at the intersection of the Boston and Lowell, the Fitchburg and the Grand Junction Railroads in Somerville, . . . . .	232
“ Boston and Lowell Railroad, to amend Act passed May 21, 1855, authorizing alteration of the location and construction of, . . . . .	23

Bridge across the Boston and New York Central Railroad, in Dorchester, County Commissioners of Norfolk authorized to construct, . . . . .	Page 39
“ Charles River and the Warren, Agent to lease a Wharf adjoining Warren Bridge, . . . . .	243
“ Charles River and the Warren, concerning, . . . . .	205
“ Company, Agawam, to incorporate, . . . . .	198
“ East Boston Free, in addition to Act incorporating, . . . . .	56
“ over East Harbor, Towns of Truro and Provincetown to construct, . . . . .	220
“ Essex Merrimac, concerning, . . . . .	206
“ over Malden River, County Commissioners of Middlesex to lay out a Highway and construct, . . . . .	42
“ Selectmen of Wellfleet to build, . . . . .	114
“ over Skunk Creek, in Somerset, County Commissioners of Bristol to lay out a Highway and construct, . . . . .	150
“ Warren and the Charles River, Agent to lease a Wharf adjoining Warren Bridge, . . . . .	243
“ Warren and the Charles River, concerning, . . . . .	205
“ over the Weweantitt River, County Commissioners of Plymouth, to lay out a Highway and construct, . . . . .	90
Bridgewater State Almshouse, Resolve in favor of, . . . . .	292
“ State Normal School-house at, concerning, . . . . .	280
“ Trinity Church in, to incorporate the Trustees of the Funds of, . . . . .	128
Brigham, Charles, Resolve on Petition of, . . . . .	269
Brimfield Free Grammar School, Trustees of, to change the corporate Name to the Hitchcock Free Grammar School, . . . . .	231
Bristol, County Commissioners of, to borrow Money either to repair or build a House of Correction, . . . . .	224
“ County Commissioners of, to lay out a Highway and construct a Bridge over Skunk Creek, in Somerset, . . . . .	150
“ Probate Court in the County of, changing the time of holding a Term of, . . . . .	195
Broadway Railroad Company, in addition to Act incorporating, . . . . .	192
Brookline Hotel Company, to incorporate, . . . . .	200
Burial Grounds of the Second Parish, in West Newbury, authorizing the disposal of, . . . . .	43
Burnham, Parker, Joseph B. and Elias, authorized to extend their Marine Railway, . . . . .	31
Burying Ground in the Town of West Roxbury, in relation to, . . . . .	66
Buzzard's Bay, Act for the preservation of Fish within the Towns of Sandwich and Wareham, . . . . .	102

## C.

Caldwell and Tewksbury, Resolve on petition of, . . . . .	276
Cambridge, City of, in further addition to Act establishing, . . . . .	58
“ and Somerville, altering Boundary Line between, and annexing portions of each to the other, . . . . .	76

# INDEX.

vii

Cambridge Water Works, concerning, . . . . .	Page 221
Camp Meeting Association, Worcester District Methodist Episcopal Church, Trustees of, incorporated, . . . . .	61
Cape May, Breakwater at, Resolves concerning, . . . . .	270
Capen, Nahum, Resolve in relation to the Estate of, . . . . .	271
Carey, Augustus C., to build a Wharf, . . . . .	63
Cemetery, Oak Grove, Proprietors of, to incorporate, . . . . .	85
" Public, of the City of Roxbury, relating to, . . . . .	195
" Rural, in Worcester, in addition to Act incorporating the Proprietors of, . . . . .	32
Census, Decennial, and Statistical Information, in addition to the several Acts to secure, . . . . .	26
Central Baptist Society in Salem, Name of Second Baptist Society changed, and also the time of their Annual Meeting, . . . . .	14
Chace, James S., to plant Oysters in Taunton Great River, in addition to Act authorizing, . . . . .	38
Change of Names, . . . . .	249
Chappequiddic Indians and others, Resolve on Petition of the Guardian of, . . . . .	265
Charitable Association at Haverhill, Ladies', to incorporate, . . . . .	77
Charitable, Educational and Religious purposes, Corporations for, relating to the organization of, . . . . .	126
" Marine Society, Salem, Resolve on Petition of Nathaniel Appleton and others, relative to, . . . . .	276
" Society, General, of Newburyport, to incorporate, . . . . .	204
Charles River Railroad and the New York and Boston Railroad Companies, confirming the union and extending the time for the location and construction of, . . . . .	153
" " and the Warren Bridges, Agent to lease a Wharf adjoining Warren Bridge, . . . . .	243
" " and the Warren Bridges, concerning, . . . . .	205
Charter of the City of Lowell, to amend, . . . . .	121
" of the Railroad Mutual Fire Insurance Company, to accept the surrender of, . . . . .	29
Cheap Postage and the Franking Privilege, Resolves concerning, . . . . .	288
Chebacco Library Association, to incorporate, . . . . .	81
Chelsea reannexed to Boston, . . . . .	77
Chemical Manufacturing Company, United States, authorized to change their Name and location, . . . . .	38
Chicopee, Police Court in Town of, in addition to Act establishing, . . . . .	8
Children, Minor, whose Parents are living separate, respecting the custody of, . . . . .	14
" under Guardianship, to attend the Public Schools, in relation to the rights of, . . . . .	92
Children's Home and Home for Aged Females, in Roxbury, to incorporate, . . . . .	155
Chilmark, Town of, and the Indians of Gay Head, to establish and confirm the Boundary Line between, . . . . .	120



Church and Society in Marion, Congregational, Name of the Fourth Congregational Precinct in Rochester, changed to, . . .	Page 46
" Trinity, in Bridgewater, to incorporate the Trustees of the Funds of, . . . . .	128
Cincinnati, Society of, Massachusetts, Resolve on the Petition of, . . .	263
City Fire Insurance Company, Name of the Cochituate Fire Insurance Company of Boston, changed to, . . . . .	4
" Hotel in Worcester, in addition to Act incorporating Proprietors of, . . .	102
" Mission Society, Eliot, of Roxbury, to incorporate, . . . . .	81
Civil Actions, relating to return of Writs in, before Justices of the Peace and Police Courts, . . . . .	48
" " to enable parties in, to be Witnesses, . . . . .	103
" Officers, Election of, concerning, . . . . .	89
Clark, Enos, Jr., Treasurer to release and quitclaim certain lands in Northampton to, . . . . .	274
Clearing House, Boston, in relation to, . . . . .	48
Clerk, Assistant, of the Supreme Judicial Court, in Suffolk County, establishing the office of, . . . . .	20
" Hire, extra, Resolve relating to, . . . . .	294
Clerks of Courts and other County Officers, concerning the Election of, . . .	98
Clinton Steam-Power Company, to incorporate, . . . . .	17
Cochituate Fire Insurance Company of Boston, to change the Name of, . . .	4
Collection and Assessment of Taxes, relating to, . . . . .	154
College, New England Female Medical, Name of the Female Medical Education Society changed to, and the same reorganized, . . . . .	115
Commissioners on Alien Passengers and State Paupers, relating to the Board of, . . . . .	230
" County, authorized to administer Oaths and Affirmations, . . . . .	28
" " of Bristol to borrow Money either to repair or build a House of Correction, . . . . .	224
" " of Bristol to lay out a Highway and construct a Bridge over Skunk Creek, in Somerset, . . . . .	150
" " of Essex to lay out and construct a Highway in the Town of Manchester, . . . . .	119
" " of Essex to lay out a Highway and cause a Bridge to be built across Bass River in Beverly, . . . . .	148
" " of Middlesex to lay out a Highway and con- struct a Bridge over Malden River, . . . . .	42
" " of Norfolk to construct a Bridge across the Bos- ton and New York Central Railroad, in Dorchester, . . . . .	39
" " of Plymouth to lay out a Highway and construct a Bridge over Weweantitt River, . . . . .	90
" of Deeds in Foreign Countries, Governor authorized to appoint, . . . . .	188
" of Insurance, Resolve to provide for the expenses of, . . . . .	292
Committees, School, concerning vacancies in, . . . . .	51
Common Pleas, Court of, for the County of Middlesex, relating to, . . .	96

# INDEX.

ix

Common Pleas, Court of, for the County of Worcester, to establish additional Terms of, . . . . .	Page 236
“ “ “ and the Superior Court of the County of Suffolk, concerning, . . . . .	245
Commonwealth, Accounts against, Resolves in relation to, . . . . .	282
“ to divide, into Districts for the choice of Councillors, . . . . .	243
“ in relation to Lands mortgaged to, . . . . .	35
“ Printing for, Resolve concerning, . . . . .	294
“ Provision made for the Unfunded Debt of, . . . . .	151
Congregational Church and Society in Marion, Name of the Fourth Congregational Precinct in Rochester changed to, . . . . .	46
“ Library Association of Boston, to hold additional Real and Personal Estate, . . . . .	71
“ Parish in West Cambridge, First, to enclose their Land, . . . . .	107
“ Precinct in Rochester, Fourth, Act to change the Name, and for other purposes, . . . . .	46
“ Society in the Second Precinct in Attleborough, additional to Act incorporating, . . . . .	70
“ Society of Winchester, First, Name of South Congregational Society of Woburn changed to, . . . . .	7
“ Society of Woburn, South, Name changed, and authorized to hold property, . . . . .	7
Congress, Election of Representatives in, concerning, . . . . .	145
Connecticut, certain Resolutions of the Legislature of, Resolves in relation to, . . . . .	292
Constable of the Town of Gloucester, Resolve in favor of George Lane, . . . . .	272
Constitution of Massachusetts, . . . . .	337
Contingent Expenses of the Council, Legislature and Offices in the State House for 1856, Resolve for the payment of, . . . . .	294
Convention of 1788, Massachusetts, Resolve relating to, . . . . .	259
“ “ “ additional Resolve relating to, . . . . .	264
Convicts, Female, in addition to Act relating to, . . . . .	21
“ Insane, in addition to Act for removal of, from the State Prison, . . . . .	75
Corporations, Officers of, and other persons, to punish Frauds in, . . . . .	65
“ organization of, for Educational, Charitable and Religious purposes, relating to, . . . . .	126
“ organization of, limiting the time for, . . . . .	194
Council, Legislature and Offices in the State House, Resolve for the payment of the Contingent Expenses of, . . . . .	294
“ Senate and House of Representatives, Resolves providing for the pay of, . . . . .	289
Councillors, to divide the Commonwealth into Districts for the choice of, . . . . .	243
Counties, Resolve granting Taxes for the several, . . . . .	269
County Commissioners authorized to administer Oaths and Affirmations, . . . . .	28
“ “ of Bristol to borrow Money either to repair or build a House of Correction, . . . . .	224
“ “ of Bristol to lay out a Highway and construct a Bridge over Skunk Creek, in Somerset, . . . . .	150

County Commissioners of Essex to lay out and construct a Highway in the Town of Manchester, . . . . .	Page 119
“ “ of Essex to lay out a Highway and cause a Bridge to be built across Bass River, in Beverly, . . . . .	148
“ “ of Middlesex to lay out a Highway and construct a Bridge over Malden River, . . . . .	42
“ “ of Norfolk to construct a Bridge across the Boston and New York Central Railroad in Dorchester, . . . . .	39
“ “ of Plymouth to lay out a Highway and construct a Bridge over Weweantitt River, . . . . .	90
“ Officers, Clerks of Courts, concerning the Election of, . . . . .	98
Coup Oil Company, Name of the United States Chemical Manufacturing Company changed to, . . . . .	38
Courts, Clerks of, and other County Officers, concerning the Election of, . . . . .	98
“ of this Commonwealth, to secure uniformity of Fees in, . . . . .	160
“ Probate, in relation to certain Proceedings in, . . . . .	122
Criminal Cases, Appeals in, relative to, . . . . .	71
Crossings, Railroad, for the better protection of the Public at, . . . . .	159
Crowell, Zeno, to build a Wharf, . . . . .	44
Crowley, Daniel, authorized to extend his Wharf, . . . . .	28
Cushing, Edward J., Resolve on Petition of, . . . . .	279
Cutting Machine Manufacturing Company, in addition to Act incorporating, . . . . .	108

## D.

Dams on Barker's River, in Pembroke, relating to Fish Ways at, . . . . .	43
Danvers Mutual Fire Insurance Company, to continue in force Act incorporating, and to change the Name to the South Danvers Mutual Fire Insurance Company, . . . . .	22
“ and South Danvers, determining the Boundary Line between, . . . . .	151
Days, certain, concerning the observance of, . . . . .	59
Debt, Unfunded, of the Commonwealth, provision made for, . . . . .	151
Debtor, Insolvent, a new promise in writing required of, after his discharge, . . . . .	11
Debtors, Insolvent, Act of 1836, regulating the Assignment and Distribution of the Property of, repealed, . . . . .	91
“ “ in addition to the several Acts for the relief of, and the more equal Distribution of their Effects, . . . . .	207
“ “ in relation to, . . . . .	191
Decennial Census and Statistical Information, in addition to the several Acts to secure, . . . . .	26
Deeds, Commissioners of, in Foreign Countries, Governor authorized to appoint, . . . . .	188
“ Indexing of, concerning, . . . . .	225
“ Register of, for the County of Suffolk, to provide for the Election of, . . . . .	62
“ Registry of, in the Town of Littleton, concerning, . . . . .	61

# INDEX.

xi

Deeds, Registry of, for the Northern District of Middlesex, relating to, .	Page 189
Deep Bottom, Indians of, to confirm the title of certain Lands in Tisbury to Jemima Easton, her Heirs, and others, . . . . .	120
Dennis, Henry, of Rockport, Resolve on Petition of, . . . . .	272
Department of the Secretary of the Commonwealth, Resolve in favor of, . . . . .	281
Deputy Sheriffs of Northampton, Ansel and George F. Wright, Resolve in favor of, . . . . .	290
“ “ and Sheriff, in relation to, . . . . .	108
Design, New England School of, for Women, Resolve in aid of, . . . . .	291
“ “ “ “ additional Resolve in aid of, . . . . .	293
Dickson, Lydia V., Resolve on Petition of, praying that she may receive the Personal Estate of Elizabeth Lewis, deceased, . . . . .	290
Disorderly and Idle Persons, concerning, . . . . .	108
Dispensary, Homœopathic Medical, to incorporate, . . . . .	112
District-Attorney of the Middle District, in relation to the Salary of, . . . . .	161
“ “ for the South Eastern District, to fix the Salary of, . . . . .	201
“ of Marshpee, in addition to Act establishing, . . . . .	219
Districts for the choice of Councillors, to divide the Commonwealth into, . . . . .	243
Documents, certain, Secretary of the Commonwealth authorized to furnish, . . . . .	286
Door-keepers, Messengers, and Pages of the General Court, Resolve relating to the compensation of, . . . . .	293
Dorchester Avenue Railroad Company, in addition to Act incorporating, . . . . .	34, 202
“ Bay, Mystic River, and the Harbor of Boston, concerning, . . . . .	226
“ and Milton Extension Railroad, in addition to Act establishing, . . . . .	77
Dower, authorizing release of, in behalf of Married Women who are Insane, . . . . .	94
Drew, Luther, to build a Wharf, . . . . .	241
Dry Dock Company, Simpson's Patent, to incorporate, . . . . .	10
Dukes County, Probate Courts in, addition to Act concerning, . . . . .	194
“ “ Register of Probate for, concerning the Salary of, . . . . .	103
Duston Monument Association, to incorporate, . . . . .	19
Dwight Manufacturing Company, and Perkins Mills, concerning, and to increase the Capital Stock of the first named, . . . . .	12

## E.

East Boston Free Bridge, in addition to Act incorporating, . . . . .	66
Eastern Hampden Agricultural Society, to incorporate, . . . . .	88
“ Railroad, concerning the location of, . . . . .	242
Eastham, Selectmen of, to build a Bridge across Boat Meadow River, . . . . .	147
East Harbor, Bridge over, Towns of Truro and Provincetown to construct, . . . . .	220
Easton, Jemima, and her Heirs and other Indians of Deep Bottom, title of certain Lands in Tisbury confirmed to, . . . . .	120
Edgartown, Fishery in, to protect, . . . . .	218
Educational, Charitable and Religious purposes, Corporations for, relating to the organization of, . . . . .	126
Election of Civil Officers, concerning, . . . . .	88

Election of Clerks of Courts and other County Officers, concerning, . . .	Page 98
" of Representatives in Congress, concerning, . . .	145
Eliot City Mission Society of Roxbury, to incorporate, . . .	81
Enlargement of the State House, Resolve relative to, . . .	261
Equity, giving further remedies in, . . .	20
Essex, County Commissioners of, to lay out and construct a Highway in the Town of Manchester, . . .	119
" County Commissioners of, to lay out a Highway and cause a Bridge to be built across Bass River, in Beverly, . . .	148
" County of, Probate Court established in North Andover, . . .	3
" Merrimac Bridge, concerning, . . .	206
Estate of Nahum Capen, Resolve in relation to, . . .	271
" Personal, of Elizabeth Lewis, deceased, Resolve on Petition of Lydia V. Dickson, praying that she may receive, . . .	290
Estates, Leasehold, in addition to Act relating to, . . .	44
Evasion of the Laws for the suppression of Lotteries, to prevent, . . .	64
Executions, Stay or Supersedeas of, in relation to ordering, . . .	76
Expenses, Contingent, of the Council, Legislature and Offices in the State House for 1856, Resolve for the payment of, . . .	294
" of the Insurance Commissioners, Resolves to provide for, . . .	292

## F.

Fairbanks, George O., and others, of Fall River, Resolve on Petition of, . . .	290
Fall River Athenæum, to incorporate, . . .	60
Farm Pond Fishing Company in Edgartown, to incorporate, . . .	123
" State, at Westboro', Resolves in favor of, . . .	279
Faucet Company, Boston, Name of American Lead Works changed to, . . .	5
Fees, in the Courts of this Commonwealth, to secure Uniformity of, . . .	160
Female Benevolent Society at South Danvers, to incorporate, . . .	33
" Convicts, in addition to Act relating to, . . .	21
" Medical Education Society, to change the Name to New England Female Medical College, and reorganize the same, . . .	116
Females, Aged, Home for, and Children's Home in Roxbury, to incorporate, . . .	155
Fields, General, concerning, . . .	127
Fire Department in the Town of Lynn, in addition to Act establishing, . . .	90
First Baptist Society in Lawrence, Name of the Amesbury Street Baptist Society changed to, and their doings legalized, . . .	237
First Congregational Parish, in West Cambridge to enclose their Land, . . .	107
" Society, of Winchester, Name of South Congregational Society, of Woburn, changed to, . . .	7
Fish, Artificial Propagation of, Resolve concerning, . . .	277
" in Buzzard's Bay, within the Towns of Sandwich and Wareham, for the preservation of, . . .	102
" in Merrimac River, for the preservation of, . . .	221
" Ways at the several Dams on Barker's River, so called, in the Town of Pembroke, relating to, . . .	43
" Weirs, to regulate the construction of, . . .	27

# INDEX.

xiii

<b>Fisheries in Ipswich River, in addition to the several Acts to protect, .</b>	<b>Page 161</b>
"        "        "        to protect, . . . . .	9
"        "        "        to protect, in the Towns of Hamilton, Wen-	
ham, Topsfield, Boxford and Middleton, . . . . .	28
"        on the South Shore and Bays, on the south side of the Town	
of Barnstable and District of Marshpee, to protect, . . . . .	125
<b>Fishery in the Town of Edgartown, to protect, . . . . .</b>	<b>218</b>
"        in Pleasant Bay, to protect, . . . . .	145
<b>Fishing Company, Farm Pond, in Edgartown, to incorporate, . . . . .</b>	<b>123</b>
"        "        Pocha Pond Meadow, in Edgartown, additional to	
Act incorporating, . . . . .	24
<b>Fitchburg Gas Company to supply the inhabitants of Fitchburg with</b>	
Water, . . . . .	113
"        the Grand Junction and the Boston and Lowell Railroads,	
Bridge at the intersection of, in Somerville, . . . . .	232
"        Railroad Company, concerning, . . . . .	76
"        Water for the Inhabitants of, Fitchburg Gas Company au-	
thorized to supply, . . . . .	113
<b>Foreign Countries, Commissioners of Deeds in, Governor to appoint, . .</b>	<b>188</b>
<b>Fourth Congregational Precinct, in Rochester, Act to change the Name</b>	
of, and for other purposes, . . . . .	46
<b>Framingham Hotel Company, to incorporate, . . . . .</b>	<b>47</b>
"        State Normal School-house at, concerning, . . . . .	280
<b>Franking Privilege, Cheap Postage, Resolves concerning, . . . . .</b>	<b>288</b>
<b>Fraud by the sale of Adulterated Milk, to punish, . . . . .</b>	<b>130</b>
<b>Frauds in Officers of Corporations, and other persons, to punish, . .</b>	<b>65</b>
<b>Free Bridge, East Boston, in addition to Act incorporating, . . . . .</b>	<b>56</b>
"        Grammar School, Brimfield, Trustees of, corporate Name changed	
to Hitchcock Free Grammar School, . . . . .	231
"        School, Punchard, in the Town of Andover, in addition to Act in-	
corporating Trustees of, . . . . .	39
<b>Freeland, Jonathan W., Resolve on Petition of, to sell Real Estate, . .</b>	<b>278</b>
<b>Friend, Joseph and Samuel K., and Frederick Norwood, to extend their</b>	
Wharf, . . . . .	120
<b>Funds, Trust, Resolve on Petition of William Greenleaf to pay over, .</b>	<b>275</b>
<b>Furniture and Repairs for the State House, Resolve relative to, . . .</b>	<b>268</b>

## G.

<b>Gardner Library Association, to incorporate, . . . . .</b>	<b>54</b>
<b>Gary, John, to extend his Wharf, . . . . .</b>	<b>57</b>
<b>Gas Company, Fitchburg, to supply the Inhabitants of Fitchburg with</b>	
Water, . . . . .	113
"        "        Lawrence, increase of Capital Stock authorized, . . . . .	6
"        "        Malden and Melrose, in addition to Act incorporating, . . . . .	204
"        "        Tremont, to repeal Act incorporating, . . . . .	156
<b>Gay Head Indians and the Town of Chilmark, Boundary Line between,</b>	
established and confirmed, . . . . .	120
"        "        Resolve in favor of, . . . . .	269, 281

General Charitable Society of Newburyport, to incorporate, . . .	Page 294
" Court, Door-keepers, Messengers and Pages, Resolve relating to the Compensation of, . . . . .	293
" Fields, concerning, . . . . .	127
Gilbert, C. C., W. C. Barstow, B. C. Ward and E. S. Rand, to extend their Wharf, . . . . .	22, 45
Girls, State Industrial School for, changing the Name of the State Reform School for Girls to, . . . . .	31
" " " " " Resolve in favor of, . . . . .	277
" " " " " and State Reform School for Boys, relating to support of certain inmates of, . . . . .	84
" " Reform School for, in addition to Act establishing, . . . . .	33
" " " " " Name changed to State Industrial School for Girls, . . . . .	31
" " " " " Resolve in favor of, . . . . .	265
Globe Insurance Company in Boston, to incorporate, . . . . .	246
Gloucester, George Lane, a constable of the Town of, Resolve in favor, . . . . .	272
Goday, William, Resolve in favor of, . . . . .	281
Governor's Inaugural Address, . . . . .	297
Grammar School, Brimfield Free, Trustees of, to change the Name to the Hitchcock Free Grammar School, . . . . .	231
Grand Junction, the Fitchburg and the Boston and Lowell Railroads, Bridge in Somerville, at the intersection of, . . . . .	232
Greenfield, William, Resolve on Petition of, to pay over certain Trust Funds, . . . . .	275
Groton, Probate Court at, changing the time of holding, . . . . .	197
Groveland, part of the Town of Boxford annexed to, . . . . .	31
Guardian of the Chappequiddic Indians, and others, Resolve on Petition of, . . . . .	265

## H.

Hamilton, Ipswich River Fisheries, in the Town of, to protect, . . . . .	28
Hampden Agricultural Society, Eastern, to incorporate, . . . . .	88
Hampshire and Hampden Railroad Corporation authorized to extend their Railroad, . . . . .	104
" Mutual Fire Insurance Company, to continue in force Act incorporating, . . . . .	19
Hanover and South Scituate, Resolves in relation to Town Lines between, . . . . .	286
Harbor of Boston, Lines in, additional to Act concerning, . . . . .	235
" " Mystic River and Dorchester Bay, concerning, . . . . .	226
" " to protect, . . . . .	237
" " Scientific Survey of, Resolves relative to, . . . . .	264
Haverhill, Ladies' Charitable Association at, to incorporate, . . . . .	77
" Mechanics' Institute, to incorporate, . . . . .	41
" Mutual Fire Insurance Company, to continue in force Act incorporating, . . . . .	8

# INDEX.

XV

Herring Pond Indians, Resolve in favor of, . . . . .	Page 263
Highway in Beverly, County Commissioners of Essex to lay out, and cause a Bridge to be built across Bass River, . . . . .	148
“ County Commissioners of Middlesex, to lay out, and construct a Bridge over Malden River, . . . . .	42
“ County Commissioners of Plymouth, to lay out, and construct a Bridge over the Wewantitt River, . . . . .	90
“ in the town of Manchester, County Commissioners of Essex to lay out and construct, . . . . .	119
“ across Mystic River, to extend the time for constructing, . . . . .	9
“ in Somerset, County Commissioners of Bristol to lay out, and construct a Bridge over Skunk Creek, . . . . .	150
Hitchcock Free Grammar School, Name of the Trustees of the Brimfield Free Grammar School, changed to, . . . . .	231
Home, Children's, and Home for Aged Females, in Roxbury, to incorporate, . . . . .	155
“ Mutual Fire Insurance Company, to incorporate, . . . . .	6
Homœopathic Medical Dispensary, to incorporate, . . . . .	112
“ “ Society, Massachusetts, to incorporate, . . . . .	162
Hopkins, Abner F., Resolve on Petition of, . . . . .	279
Horse-Racing, in addition to Act suppressing, . . . . .	52
Hospitals, State Lunatic, establishing Boards of Trustees for, and in addition to the Acts concerning Lunatic Hospitals, . . . . .	160
“ “ “ relating to appointment of Trustees of, . . . . .	16
“ “ at Rainsford Island and Taunton, Resolve in aid of, . . . . .	275
Hotel, City, in Worcester, in addition to Act incorporating Proprietors of, . . . . .	102
“ Company, American, in the North Village in Adams, to incorporate, . . . . .	82
“ “ Brookline, to incorporate, . . . . .	200
“ “ Framingham, to incorporate, . . . . .	47
“ “ Northampton, to incorporate, . . . . .	193
“ “ Oxford, to incorporate, . . . . .	85
“ “ South Reading, to incorporate, . . . . .	115
House Company, Williams, to incorporate, . . . . .	27
“ of Correction, County Commissioners of Bristol to borrow Money either to repair or build, . . . . .	224
“ “ and Jail in the County of Plymouth, relative to, . . . . .	80
“ of Representatives, Council and Senate, Resolves providing for the pay of, . . . . .	289
“ “ Journals and Papers of, Resolve concerning, . . . . .	262, 270
Howard Society, Ladies', of Nantucket, to incorporate, . . . . .	147
Husband and Wife, concerning, . . . . .	50

## I.

Ice Company, Silver Lake, to change the Name of the Plympton North Railroad Company to, . . . . .	17
Idiots and Lunatics, relating to, . . . . .	55
Idle and Disorderly Persons, concerning, . . . . .	108



Inaugural Address of the Governor, . . . . .	Page 297
Independent Benevolent Society in Newburyport, to incorporate, . . . . .	124
Indexing of Deeds, concerning, . . . . .	226
Indians, Chappequiddie, and others, Resolve on Petition of Guardian of, . . . . .	266
" of Deep Bottom, to confirm the title of certain Lands in Tisbury to Jemima Easton, her Heirs, and others, . . . . .	120
" of Gay Head and the Town of Chilmark, Boundary Line between, established and confirmed, . . . . .	120
" " " Resolve in favor of, . . . . .	269, 281
" Herring Pond, Resolve in favor of, . . . . .	263
Industrial School for Girls, and the Reform School for Boys, State, relating to support of certain Inmates of, . . . . .	84
" " " State, to change the Name of the State Reform School for Girls, to, . . . . .	31
" " " State, Resolve in favor of, . . . . .	277
Inland Mutual Insurance Company, Boston, to incorporate, . . . . .	114
Insane Convicts, in addition to Act for the removal of, from the State Prison, . . . . .	76
" Married Women, authorizing release of Dower in behalf of, . . . . .	94
Insolvent Debtor, new promise in writing required of, after his discharge, . . . . .	11
" Debtors, in addition to the several Acts for the relief of, and the more equal Distribution of their Effects, . . . . .	207
" " Assignment and Distribution of the Property of, Act of 1836 repealed, . . . . .	91
" " in relation to, . . . . .	191
Institute Association, South Berkshire, to incorporate, . . . . .	193
" Haverhill Mechanics', to incorporate, . . . . .	41
" Roxbury, to incorporate, . . . . .	87
" Webster, in the City of Cambridge, to incorporate, . . . . .	36
Insurance Commissioners, Expenses of, Resolves to provide for, . . . . .	292
" Companies, concerning, . . . . .	163
" Company, Abington Mutual Fire, to incorporate, . . . . .	123
" " Boston Inland Mutual, to incorporate, . . . . .	114
" " Bowdoin Mutual Fire, to incorporate, . . . . .	220
" " City Fire, Name of Cochituate Fire Insurance Company of Boston changed to, . . . . .	4
" " Cochituate Fire, of Boston, to change the Name of, . . . . .	4
" " Danvers Mutual Fire, to continue in force Act incorporating, and to change the Name to the South Danvers Mutual Fire Insurance Company, . . . . .	22
" " Globe, in Boston, to incorporate, . . . . .	246
" " Hampshire Mutual Fire, to continue in force Act incorporating, . . . . .	19
" " Haverhill Mutual Fire, to continue in force Act incorporating, . . . . .	8
" " Home Mutual Fire, to incorporate, . . . . .	6
" " Lynn Mutual Fire, to continue in force Act incorporating, . . . . .	12
" " New England Railroad Mutual Fire, to incorporate, . . . . .	29

# INDEX.

xvii.

Insurance Company, Pacific Mutual, to incorporate, . . . . .	Page 41
“ “ Railroad Mutual Fire, surrender of Charter, to accept, . . . . .	29
“ “ Salem Marine, to incorporate, . . . . .	5
“ “ South Danvers Mutual Fire, Name of Danvers Mutual Fire Insurance Company changed to, . . . . .	22
“ “ Tremont, Act continuing, . . . . .	3
Inundation, Proprietors of certain Lands in Northampton enabled to protect the same against, . . . . .	157
Ipawich River, Fisheries in, in addition to the several Acts to protect, . . . . .	161
“ “ “ to protect, . . . . .	9
“ “ “ to protect, in the Towns of Hamilton, Wenham, Topsfield, Boxford and Middleton, . . . . .	28

## J.

Jail and House of Correction in the County of Plymouth, relative to, . . . . .	80
Jamaica Plain Athenæum, to incorporate, . . . . .	53
Jenkins, Clem, Resolve on Petition of, for leave to inherit certain Real Estate, . . . . .	277
Jennison, Samuel, Jr., Guardian, Resolve on Petition of, . . . . .	267
Journals and Papers of the House of Representatives, Resolve concerning, . . . . .	262, 270
“ “ of the Senate, Resolve concerning, . . . . .	294
Judges of Probate, in addition to Act concerning, . . . . .	195
Jurisdiction of Justices of the Peace, concerning, . . . . .	84
“ over certain Lands and Shoals in the City and Harbor of New Bedford, to cede to the United States, and for other purposes, . . . . .	51
Jurors, Lists of, relating to, . . . . .	66
Justices of the Peace, Jurisdiction of, concerning, . . . . .	84
“ “ “ and Police Courts, relating to return of Writs in Civil Actions before, . . . . .	48
Justices of the Supreme Judicial Court, Salaries of, to establish, . . . . .	7

## K.

Kansas, Territory of, Resolves in relation to, . . . . .	286
--	-----

## L.

Ladies' Benevolent Society of Newbury, to incorporate, . . . . .	129
“ Charitable Association at Haverhill, to incorporate, . . . . .	77
“ Howard Society, of Nantucket, to incorporate, . . . . .	147
Lands in the Back Bay, Resolves in relation to, . . . . .	284
“ certain, in Northampton, Proprietors of, enabled to protect the same against Inundation, . . . . .	157
“ certain, in Northampton, Treasurer to release and quitclaim to Enos Clark, Jr., . . . . .	274
“ mortgaged to the Commonwealth, in relation to, . . . . .	35
“ and Shoals in the City and Harbor of New Bedford, to cede to the United States Jurisdiction over, and for other purposes, . . . . .	51

Lands in the State of Maine, further to postpone the operation of Chapter 63 of Resolves of 1855, concerning, . . . . .	Page 273
" in Tisbury, certain, to confirm the title of, to Jemima Easton and her Heirs, and other Indians of Deep Bottom, . . . . .	120
Lane, George, a constable of the Town of Gloucester, Resolve in favor of, . . . . .	272
Law Library Associations, in further addition to Act relating to, . . . . .	37, 107
Lawrence, First Baptist Society in, Name of the Amesbury Street Baptist Society changed to, and their doings legalized, . . . . .	237
Lawrence Gas Company, increase of Capital Stock authorized, . . . . .	6
Laws for the suppression of Lotteries, to prevent the evasion of, . . . . .	64
" State, Resolve concerning the publication of, . . . . .	292
Lead Works, American, to change the Name of, . . . . .	6
Leasehold Estates, in addition to Act relating to, . . . . .	44
Lebanon Springs Aqueduct Company, in aid of, . . . . .	165
Legislature of Connecticut. Resolve in relation to certain Resolutions of, . . . . .	292
" Council and Offices in the State House, Resolve for the payment of the Contingent Expenses of, for the year 1856, . . . . .	294
" Messengers and Pages of the two branches, Resolve concerning the pay of, . . . . .	272
" and its Officers, Resolve for the pay of, monthly, . . . . .	257
Lewis, Elizabeth, deceased, Personal Estate of, Resolve on Petition of Lydia V. Dickson, praying that she may receive, . . . . .	290
Liberty Hall Association, Directors of, to purchase and hold additional Real Estate, . . . . .	116
Library Association, Chebacco, to incorporate, . . . . .	81
" " Congregational, of Boston, to hold additional Real and Personal Estate, . . . . .	71
" " Gardner, to incorporate, . . . . .	64
" " Lynn, in addition to Act incorporating, . . . . .	125
" " Mercantile, in addition to Act incorporating, . . . . .	24
" " Young Men's, of Worcester, in addition to Act incorporating, . . . . .	26
" Associations, Law, in further addition to Act relating to, . . . . .	37, 107
" Astor, Resolve in favor of, . . . . .	259
" Plymouth, to incorporate, . . . . .	196
" State, Resolve in relation to, . . . . .	265
Lines in Boston Harbor, in addition to Act concerning, . . . . .	235
Lists of Jurors, relating to, . . . . .	66
Literary Association, Bowdoin, of Dorchester, to incorporate, . . . . .	23
Littleton, Registry of Deeds in the Town of, concerning, . . . . .	61
Lotteries, to prevent the evasion of the Laws for the suppression of, . . . . .	64
Low, David, to extend the Wharf belonging to the Heirs of George Parkhurst, deceased, . . . . .	112
Low, John V., late Assistant-Messenger to the Governor and Council, Resolve in favor of the Widow of, . . . . .	260
Lowell, additional Branch Track of the Boston and Lowell Railroad Company, authorized in the City of, . . . . .	68
" Charter of the City of, to amend, . . . . .	121

# INDEX.

xix

Lunatic Hospitals, in addition to Acts concerning, and establishing Boards of Trustees for the State Lunatic Hospitals, . . . . .	Page 160
“ “ State, establishing Boards of Trustees for, and in addition to Acts concerning Lunatic Hospitals, . . . . .	160
“ “ State, relating to appointment of Trustees of, . . . . .	16
Lunatics and Idiots, relating to, . . . . .	55
Lynn, Assessment of Taxes, in 1853 and 1854, in relation to, . . . . .	82
“ Fire Department, in addition to Act establishing, . . . . .	90
“ Library Association, in addition to Act incorporating, . . . . .	125
“ Mutual Fire Insurance Company, to continue in force Act incorporating, . . . . .	12

## M.

Maine, Lands in the State of, further to postpone the operation of Chapter 53, of Resolves of 1855, relating to, . . . . .	273
Malden and Melrose Gas Light Company, in addition to Act incorporating, . . . . .	204
“ and Melrose Railroad Company, to incorporate, . . . . .	238
“ River, Bridge over, County Commissioners of Middlesex to lay out a Highway and construct, . . . . .	42
Manchester, Highway in the Town of, County Commissioners of Essex to lay out and construct, . . . . .	119
Manufacturing Company, Beaman, authorized to increase their Capital Stock, . . . . .	11
“ “ Cutting Machine, in addition to Act incorporating, . . . . .	108
“ “ Dwight, and Perkins Mills, concerning, Capital Stock of the former increased, . . . . .	12
“ “ S. P. Ruggles Power Press, in addition to Act incorporating, . . . . .	103
“ “ United States Chemical, authorized to change their Name and location, . . . . .	33
Margaret Coffin Prayer Book Society, to incorporate certain persons by the Name of, . . . . .	69
Marine Railway, Parker, Joseph B. and Elias Burnham, authorized to extend, . . . . .	31
“ Telegraph Company, Boston and Cape Cod, to incorporate, . . . . .	63
Marion, Congregational Church and Society in, Name of Fourth Congregational Precinct, in Rochester, changed to, . . . . .	46
Married Women who are Insane, authorizing release of Dower in behalf of, . . . . .	94
Marsh, Henry A., Resolve in favor of, . . . . .	257
“ “ “ Resolve relative to the pay of, . . . . .	291
Marshpee, District of, in addition to Act establishing, . . . . .	219
“ “ to protect the Fisheries on the South Shore and Bays, on the south side of the Town of Barnstable, . . . . .	125
“ Selectmen of, Resolves on Petition of, . . . . .	261

Mason, Cyrus and Hannah P., and William Sohler, Resolve on Petition of, . . . . .	Page 267
Massachusetts Convention of 1788, Resolve relating to, . . . . .	259
"        "        "        additional Resolve, . . . . .	264
"        Homœopathic Medical Society, to incorporate, . . . . .	162
"        Records, Resolve relating to, . . . . .	260, 291
"        School of Agriculture, to incorporate, . . . . .	152
Maverick Bank, in East Boston, in addition to Act incorporating, . . . . .	33
McKay, Donald, to build a Wharf, . . . . .	236
Mechanics' Association, Worcester County, in addition to Act incorporating, . . . . .	111
"        Institute, Haverhill, to incorporate, . . . . .	41
Medical College, New England Female, Name of the Female Medical Education Society changed to, and the same reorganized, . . . . .	115
"        Dispensary, Homœopathic, to incorporate, . . . . .	112
"        Education Society, Female, to change the Name to New England Female Medical College, and to reorganize the same, . . . . .	115
"        Society, Massachusetts Homœopathic, to incorporate, . . . . .	162
Mercantile Library Association, in addition to Act incorporating, . . . . .	24
Merrimac Bridge, Essex, concerning, . . . . .	206
"        River, Fish in, for the preservation of, . . . . .	221
Messages, . . . . .	317
Messenger to the Governor and Council, Assistant, Resolve in favor of the Widow of John V. Low, deceased, . . . . .	260
Messengers and Pages of the two branches of the Legislature, Resolve concerning the pay of, . . . . .	272
"        Pages and Door-keepers of the General Court, Resolve relating to the compensation of, . . . . .	293
Methodist Episcopal Church Camp-Meeting Association, Worcester District, Trustees of, incorporated, . . . . .	61
Middleborough, Probate Court in, time of holding, changed, . . . . .	64
Middle District, Attorney, in relation to the Salary of, . . . . .	161
Middlesex, County Commissioners of, to lay out a Highway and construct a Bridge over Malden River, . . . . .	42
"        Court of Common Pleas for the County of, relating to, . . . . .	96
"        Northern District of, relating to the Registry of Deeds for, . . . . .	189
"        Probate Court at Groton, in the County of, changing the time of holding, . . . . .	197
"        Railroad Company, concerning, . . . . .	53
Middleton, Ipswich River Fisheries in the Town of, to protect, . . . . .	28
Milford Police Court, in addition to Act establishing, . . . . .	193
Milk, Adulterated, to punish Fraud by sale of, . . . . .	130
Millbury Bank, to increase the Capital Stock of, . . . . .	192
"        and Southbridge Railroad, to extend the time for the construction of, . . . . .	12
Mill Corporation, Boston and Roxbury, concerning, . . . . .	106
Miller, Benjamin W., to plant Oysters in Taunton Great River, in addition to certain Acts authorizing, . . . . .	45

# INDEX.

xxi

Mills, Perkins and Dwight Manufacturing Company, concerning, and to increase the Capital Stock of the latter, . . . . .	Page 12
" Salisbury, to incorporate, . . . . .	57
Minor Children whose Parents are living separate, respecting the custody of, . . . . .	14
Mission Society, Eliot City, of Roxbury, to incorporate, . . . . .	81
Money, Treasurer to borrow, in anticipation of the Revenue, . . . . .	258
" " " in anticipation of the State Tax, . . . . .	279
Monument Association, Duston, to incorporate, . . . . .	19
Morey, Sherburn F., Resolve on Petition of, . . . . .	272
Mortgaged Lands, (to the Commonwealth,) in relation to, . . . . .	35
Mortgages of Personal Property, in addition to Act concerning, . . . . .	101
Mutual Fire Insurance Company, Abington, to incorporate, . . . . .	123
" " " " Bowdoin, to incorporate, . . . . .	220
" " " " Danvers, to continue in force Act incorporating, and to change the name to the South Danvers Mutual Fire Insurance Company, . . . . .	22
" " " " Hampshire, to continue in force Act incorporating, . . . . .	19
" " " " Haverhill, to continue in force Act incorporating, . . . . .	8
" " " " Home, to incorporate, . . . . .	6
" " " " Lynn, to continue in force Act incorporating, . . . . .	12
" " " " New England Railroad, to incorporate, . . . . .	29
" " " " Railroad, to accept the surrender of Charter, . . . . .	29
" " " " South Danvers, Name of Danvers Mutual Fire Insurance Company changed to, . . . . .	22
" Insurance Company, Boston Inland, to incorporate, . . . . .	114
" " " Pacific, to incorporate, . . . . .	41
" Redemption, Bank of, in addition to Act incorporating, . . . . .	67
Mystic River, Dorchester Bay and the Harbor of Boston, concerning, . . . . .	226
" " Highway across, to extend the time for constructing, . . . . .	9

## N.

Names, Change of, . . . . .	249
Nantucket Agricultural Society, to incorporate, . . . . .	15
" Ladies' Howard Society of, to incorporate, . . . . .	147
" Propeller Company, to incorporate, . . . . .	129
Naturalization, respecting, . . . . .	25
New Bedford, certain Lands and Shoals in the City and Harbor of, to cede to the United States Jurisdiction over, and for other purposes, . . . . .	51
Newbury, Ladies' Benevolent Society, to incorporate, . . . . .	129
" Overseers of the Poor of the Town of, Resolve on Petition, . . . . .	262
Newburyport, General Charitable Society of, to incorporate, . . . . .	204

Newburyport Railroad Company to construct a Branch Railroad, in addition to Act authorizing, . . . . .	Page 45
New England Female Medical College, Name of the Female Medical Education Society changed to, and the same reorganized, . . . . .	116
“ “ Railroad Mutual Fire Insurance Company, to incorporate, . . . . .	29
“ “ School of Design for Women, Resolve in aid of, . . . . .	291
“ “ “ “ “ additional Resolve in aid of, . . . . .	293
New York and Boston and the Charles River Railroad Companies, confirming the Union of, and extending the time for locating and constructing the same, . . . . .	153
Norfolk and Bristol Turnpike Corporation, concerning, . . . . .	53
“ County Commissioners authorized to construct a Bridge across the Boston and New York Central Railroad, in Dorchester, . . . . .	39
Normal School, at Bridgewater, Nicholas Tillinghast, late Principal, Resolve in favor of the Widow and Child of, . . . . .	280
Normal School houses, State, at Bridgewater, Westfield, Framingham and Salem, Resolves concerning, . . . . .	280
Norris, Shaw, to build a Wharf, . . . . .	38
Northampton, certain Lands in, Treasurer to release and quitclaim to Enos Clark, Jr., . . . . .	274
Northampton Hotel Company, to incorporate, . . . . .	193
“ Proprietors of certain Lands in, enabled to protect the same against Inundation, . . . . .	157
North Andover, County of Essex, establishing a Probate Court in, . . . . .	3
Northbridge and Uxbridge, Line between, changed, . . . . .	80
North Bridgewater, County of Plymouth, establishing Probate Court in, and changing the time of holding the Probate Court at Middleborough, . . . . .	64
Northern District of Middlesex, relating to the Registry of Deeds for, . . . . .	189
Norwood, Frederick, and Joseph and Samuel K. Friend, to extend their Wharf, . . . . .	120

## O.

Oak Grove Cemetery, Proprietors of, to incorporate, . . . . .	85
Oaths and Affirmations, County Commissioners authorized to administer, . . . . .	28
Observance of the Birthday of Washington, Resolves relative to, . . . . .	258
“ of Certain Days, concerning, . . . . .	59
Office of the Attorney-General, Resolves concerning, . . . . .	278
Officers, Civil, concerning the Election of, . . . . .	88
“ of Corporations and other persons, to punish Frauds in, . . . . .	65
“ County, and Clerks of Courts, concerning the Election of, . . . . .	98
“ of the Legislature, and the Legislature, Resolve for the pay of, monthly, . . . . .	257
“ Town, Act of 1853, chapter 283, relating to, repealed, . . . . .	103
Offices in the State House, Council and Legislature, Resolve for the payment of the Contingent Expenses of, for the year 1856, . . . . .	294
Oil Company, Coup, Name of the United States Chemical Manufacturing Company changed to, . . . . .	38

# INDEX.

xxiii

Omnibus Company, Boston and North Cambridge, to incorporate, . . .	Page 113
Onions, Sale of, concerning, . . . . .	197
Organization of Corporations, for Educational, Charitable and Religious purposes, relating to, . . . . .	126
“ “ limiting the time for, . . . . .	194
Overseers of the Poor of the Town of Newbury, Resolve on the Petition of, . . . . .	262
Oxford Hotel Company, to incorporate, . . . . .	85
Oysters, Benjamin W. Miller to plant, in Taunton Great River, in addition to certain Acts authorizing, . . . . .	45
“ James S. Chace to plant, in Taunton Great River, in addition to Act authorizing, . . . . .	38

## P.

Pacific Mutual Insurance Company, to incorporate, . . . . .	41
Pages and Messengers of the two branches of the Legislature, Resolve concerning the pay of, . . . . .	272
“ Messengers and Door keepers of the General Court, Resolve relating to the compensation of, . . . . .	293
Papers and Journals of the House of Representatives, Resolve concerning, . . . . .	262, 270
“ “ of the Senate, Resolve concerning, . . . . .	294
Parents who are living separate, respecting the custody of their Minor Children, . . . . .	14
Parish, First Congregational, in West Cambridge, to enclose their Land, . . . . .	107
“ Second, in West Newbury, to dispose of their Burial Grounds, . . . . .	43
Parkhurst, George, deceased, David Low to extend the Wharf belonging to the Heirs of, . . . . .	112
Patillo, James H., and others, Resolve on Petition of, . . . . .	278
Paupers, State, and Alien Passengers, relating to the Board of Commissioners on, . . . . .	230
“ “ concerning, . . . . .	97
Peat Company, Worcester, to incorporate, . . . . .	128
Pembroke, Fish Ways at the several Dams on Barker's River in the Town of, relating to, . . . . .	43
Perkins Mills and Dwight Manufacturing Company, concerning, and to increase the Capital Stock of the latter, . . . . .	12
Personal Estate of Elizabeth Lewis, deceased, Resolve on the Petition of Lydia V. Dickson, praying that she may receive, . . . . .	290
Personal Property, Mortgages of, in addition to Act concerning, . . . . .	101
Pew, John, to extend his Wharf in Gloucester, . . . . .	30
Phillips Wharf Company in Salem, to incorporate, . . . . .	149
Physician and Surgeon of the State Prison, relating to the Salary of, . . . . .	84
Pilgrim Society of Plymouth, Resolve concerning, . . . . .	293
Pittsfield, Police Court in, additional to Act establishing, . . . . .	4
Planing Machine, Woodworth's, Resolves relating to, . . . . .	274
Planting of Shade Trees, concerning, . . . . .	190
Pleasant Bay, Fishery in, to protect, . . . . .	145



Plymouth, County Commissioners of, to lay out a Highway and construct a Bridge over Weweantisset River,	Page 90
" " House of Correction and Jail in, relative to,	80
" " Probate Court established in North Bridgewater, and time of holding Probate Court at Middleborough, changed,	64
" Library, to incorporate,	196
Plympton Branch Railroad Company, to change the Name of,	17
Pocha Pond Meadow and Fishing Company in Edgartown, in addition to Act incorporating,	24
Police Court in the Town of Blackstone, to establish,	42
" " " " Chicopee, in addition to Act establishing,	8
" " " " Milford, " " "	193
" " " " Pittsfield, " " "	4
" " " City of Worcester, concerning,	98
Poor, Overseers of, of the Town of Newbury, Resolve on the Petition,	262
Porter, Alfred H., Resolve on the Petition of,	275
Postage, Cheap, and the Franking Privilege, Resolves concerning,	288
Power Press Manufacturing Company, S. P. Ruggles, in addition to Act incorporating,	103
Prayer Book Society, Margaret Coffin, to incorporate,	69
Priest, John L., and others, Resolve on Petition of,	269
Printing for the Commonwealth, Resolve concerning,	294
Prison, State, Act for the removal of Insane Convicts from, in addition to,	75
" " Resolve in favor of,	288
" " Salary of the Physician and Surgeon, relating to,	84
Private Property, relating to the unlawful use of,	21
Probate Court in the County of Bristol, changing the time of holding a Term of,	195
" " at Groton, changing the time of holding,	197
" " in Middleborough, in the County of Plymouth, time of holding changed,	64
" " in North Andover, in the County of Essex, establishing,	3
" " in North Bridgewater, in the County of Plymouth, established, and time of holding Probate Court at Middleborough, changed,	64
" Courts in the County of Dukes County, in addition to Act concerning,	194
" " in the County of Worcester, relating to,	91
" " in relation to certain Proceedings in,	122
" Judges of, in addition to Act concerning,	195
" Register of, for the County of Dukes County, concerning the Salary of,	103
Propagation of Fish, Artificial, Resolve concerning,	277
Propeller Company, Nantucket, to incorporate,	129
Property of Insolvent Debtors, Act of 1836, regulating the Assignment and Distribution of, repealed,	91
" Personal, Mortgages of, in addition to Acts concerning,	101
" Private, relating to the unlawful use of,	21

# INDEX.

xxv

Proprietors of certain Lands in Northampton, enabled to protect the same against Inundation, . . . . .	Page 157
“ of the City Hotel in Worcester, in addition to Act incorporating, . . . . .	102
“ of Oak Grove Cemetery, to incorporate, . . . . .	85
“ of the Rural Cemetery in Worcester, in addition to Act incorporating, . . . . .	32
Protection of the Public at Railroad Crossings, . . . . .	159
Provincetown and Truro, Towns of, to construct a Bridge over East Harbor, . . . . .	220
Publication of the State Laws, Resolve concerning, . . . . .	292
Public Cemetery of the City of Roxbury, relating to, . . . . .	195
“ Schools, rights of Children under Guardianship to attend, in relation to, . . . . .	92
Punchard Free School in Andover, in addition to Act incorporating Trustees of, . . . . .	39

## Q.

Quartermaster-General's Department, Resolve concerning, . . . . .	262
Quincy, part of the Town of Braintree annexed to, . . . . .	72

## R.

Railroad, Branch, Agricultural, extending the time for the construction of, . . . . .	157
“ “ into Boston, to extend time of constructing, by the Boston and Lowell Railroad Corporation, . . . . .	93
“ “ Newburyport Railroad Company to construct, in addition to Act authorizing, . . . . .	45
“ “ Plympton, to change the Name of, . . . . .	17
“ Corporation, Amherst and Belchertown, to extend the time for locating and constructing road, . . . . .	44
“ “ Barre and North Brookfield, to extend the time for constructing road, . . . . .	16
“ “ Boston, Barre and Gardner, concerning, . . . . .	60
“ “ Boston and Chelsea, concerning, . . . . .	73
“ “ Boston and Lowell, additional Branch Track in the City of Lowell authorized, . . . . .	68
“ “ Boston and Lowell, amending Act passed May 21, 1855, authorizing alteration in the location and construction of a Bridge, . . . . .	23
“ “ Boston and Lowell, and the Salem and Lowell, concerning, . . . . .	91
“ “ Boston and Lowell, time of construction of Branch Railroad into Boston, extended, . . . . .	93
“ “ Boston and New York Central, concerning, . . . . .	15
“ “ Boston and New York Central, County Commissioners of Norfolk to construct a Bridge across the road, in Dorchester, . . . . .	39

Railroad Corporation, Boston and New York Central, extending the time for the construction of road, . . .	Page 18
“ “ Broadway, in addition to Act incorporating, . . .	192
“ “ Charles River and the New York and Boston, confirming the Union of, and extending the time for locating and constructing, . . .	153
“ “ Dorchester Avenue, in addition to Act incorporating, . . .	34, 202
“ “ Dorchester and Milton Extension, in addition to Act establishing, . . .	77
“ “ Eastern, concerning the location of the road of, . . .	242
“ “ Fitchburg, concerning, . . .	76
“ “ Hampshire and Hampden, authorized to extend their road, . . .	104
“ “ Malden and Melrose, to incorporate, . . .	238
“ “ Middlesex, concerning, . . .	53
“ “ Millbury and Southbridge, to extend the time of construction, . . .	12
“ “ Newburyport, to construct a Branch Railroad, in addition to Act authorizing, . . .	45
“ “ New York and Boston, and the Charles River, confirming the Union of, and extending the time for construction, . . .	153
“ “ Plympton Branch, to change the Name of, . . .	17
“ “ Rockport, to extend the time for locating and constructing road, . . .	47
“ “ Springfield and Farmington Valley, to incorporate, . . .	93
“ “ Troy and Greenfield, to change location, . . .	153
“ “ Vermont and Massachusetts, concerning, . . .	30
“ “ “ “ in addition to Act concerning, . . .	148
“ “ Western Avenue, to extend the time for constructing road, . . .	16
“ “ West Roxbury, to incorporate, . . .	116
“ Corporations, Annual Reports of, in addition to Acts relating to, . . .	92
“ Crossings, for the better protection of the Public at, . . .	159
“ Mutual Fire Insurance Company, to accept the surrender of Charter, . . .	29
“ “ “ “ “ New England, to incorporate, . . .	29
Railroads, Boston and Lowell, the Fitchburg and the Grand Junction, Bridge in Somerville, at the intersection of, . . .	232
Railway, Marine, Parker, Joseph B., and Elias Burnham authorized to extend, . . .	31
Rainsford Island and Taunton, State Hospitals at, Resolve in aid of, . . .	275
Rand, E. S., W. C. Barstow, B. C. Ward and C. C. Gilbert, to extend their Wharf, . . .	22, 45
Record of Attachments, relating to, . . .	123
Records, Massachusetts, Resolve relating to, . . .	260, 291
Reform School for Boys, State, Resolve concerning, . . .	291

# INDEX.

xxvii

Reform School for Boys, State, and State Industrial School for Girls, relating to the support of certain Inmates of, . . .	Page 84
“ “ for Girls, State, additional to Act establishing, . . .	33
“ “ “ “ to change the Name to State Industrial School for Girls, . . .	31
“ “ “ “ Resolve in favor of, . . .	265
Register of Deeds for the County of Suffolk, to provide for the election of, . . .	62
“ Probate for the County of Dukes County, concerning the Salary of, . . .	103
Registry of Deeds in the Town of Littleton, concerning, . . .	60
“ “ for the Northern District of Middlesex, relating to, . . .	189
Religious, Charitable and Educational purposes, Corporations for, relating to the organization of, . . .	126
Repairs and Furniture for the State House, Resolve relative to, . . .	263
“ on the State House, Resolve for, . . .	293
Report, Annual, of the Secretary of the Board of Agriculture, Resolves concerning, . . .	263
Reports, Annual, of Railroad Corporations, in addition to Acts relating to, . . .	92
Representatives in Congress, Election of, concerning, . . .	145
Resolutions of the Legislature of Connecticut, certain, Resolves in relation to, . . .	292
Returns of Votes, relating to, . . .	189
Revenue, Treasurer to borrow Money in anticipation of, . . .	268
Revised Statutes, Forty-ninth Chapter amended, respecting the manner of S cities surrendering their Principals in Bail Bonds, . . .	18
Richardson, James W., Resolve on Petition of, . . .	262
Rights of Children under Guardianship to attend the Public Schools, in relation to, . . .	92
Rochester Fourth Congregational Precinct, Act to change the Name of, and for other purposes, . . .	46
Rockport Railroad, to extend the time for locating and constructing, . . .	47
Roxbury, Public Cemetery of the City of, relating to, . . .	195
Roxbury Institute, to incorporate, . . .	87
Ruggles, S. P., Power Press Manufacturing Company, in addition to Act incorporating, . . .	103
Rural Cemetery in Worcester, Proprietors of, in addition to Act incorporating, . . .	32

## S.

Sabbath School Union, Universalist, to incorporate, . . .	6
Salaries of the Justices of the Supreme Judicial Court, to establish, . . .	7
Salary of the District Attorney of the Middle District, in relation to, . . .	161
“ “ “ “ of the South-Eastern District, to fix, . . .	201
“ “ Physician and Surgeon of the State Prison, in relation to, . . .	84
“ “ Register of Probate for the County of Dukes County, concerning, . . .	103
Sale of adulterated Milk, to punish Fraud by, . . .	130

Sale of Onions in the Commonwealth, concerning, . . . . .	Page 197
Salem, Central Baptist Society in, changing the Name of the Second Baptist Society, and the time of their Annual Meeting, . . . . .	14
" Charitable Marine Society, Resolve on Petition of Nathaniel Appleton and others relative to, . . . . .	276
" City of, in further addition to Act establishing, . . . . .	14
" and Lowell and the Boston and Lowell Railroad Companies, concerning, . . . . .	91
" Marine Insurance Company, to incorporate, . . . . .	6
" Second Baptist Society in, to change the corporate Name and the time of their Annual Meeting, . . . . .	14
" and South Danvers, new Boundary Line between, established, . . . . .	74
" State Normal School-house at, concerning, . . . . .	280
Salisbury Mills, to incorporate, . . . . .	57
Sandwich and Wareham, for the preservation of Fish in Buzzard's Bay, within the Towns of, . . . . .	102
School of Agriculture, Massachusetts, to incorporate, . . . . .	152
" Committees, concerning vacancies in, . . . . .	51
" of Design for Women, New England, Resolve in aid of, . . . . .	291
" " " " additional Resolve in aid of, . . . . .	293
" Hitchcock Free Grammar, Name of the Trustees of the Brimfield Free Grammar School changed to, . . . . .	231
School-houses, State Normal, at Bridgewater, Westfield, Framingham and Salem, Resolves concerning, . . . . .	280
School, Punchard Free, in Andover, in addition to Act incorporating Trustees of, . . . . .	39
" State Industrial, for Girls, changing the Name of the State Reform School for Girls to, . . . . .	31
" " " " Resolve in favor of, . . . . .	277
" " " " and the State Reform, for Boys, relating to support of certain inmates of, . . . . .	84
" " Reform, for Boys, Resolve concerning, . . . . .	291
" " " for Boys, and State Industrial, for Girls, relating to support of certain inmates of, . . . . .	84
" " " for Girls, additional to Act establishing, . . . . .	33
" " " " to change the name to the State Industrial School for Girls, . . . . .	31
" " " " Resolve in favor of, . . . . .	265
" Trustees of the Brimfield Free Grammar, Name changed to Hitchcock Free Grammar School, . . . . .	231
Schools, Public, Rights of Children under Guardianship to attend, relative to, . . . . .	92
" Superintendents of, in addition to Act relating to, . . . . .	150
Scientific Survey of Boston Harbor, Resolves relative to, . . . . .	264
Soudder, Charles, Resolve on Petition of, . . . . .	265
Second Baptist Society in Salem, changing the Name and the time of their Annual Meeting, . . . . .	14
" Parish in West Newbury, authorized to dispose of their Burial Grounds, . . . . .	43

# INDEX.

xxix

Secretary of the Board of Agriculture, Resolves concerning the Annual Report of, . . . . .	Page 268
“ of the Commonwealth to furnish certain Documents, Resolve authorizing, . . . . .	286
“ “ “ Resolve in favor of the Department of, . . . . .	281
Selectmen of Marshpee, Resolves on Petition of, . . . . .	261
Seminary, Williston, in addition to Act incorporating, . . . . .	162
Senate, House of Representatives and Council, Resolves providing for the pay of, . . . . .	289
“ Journals and Papers of, Resolve concerning, . . . . .	294
Shade Trees, concerning the planting of, . . . . .	190
Shelburne Falls Bank, to incorporate, . . . . .	200
Sheriffs and their Deputies, in relation to, . . . . .	108
Shoals and Lands, certain, in the City and Harbor of New Bedford, to cede to the United States Jurisdiction over, and for other purposes, . . . . .	51
Silver Lake Ice Company, Name of the Plympton Branch Railroad Company changed to, . . . . .	17
Simpson's Patent Dry Dock Company, to incorporate, . . . . .	10
Skunk Creek in Somerset, County Commissioners of Bristol to lay out a Highway and construct a Bridge over, . . . . .	150
Small, Francis, to extend his Wharf, . . . . .	37
Societies, Agricultural, which receive the Bounty of the State, in addition to Act concerning, . . . . .	105
Society, Amesbury Street Baptist, to change the Name and legalize the doings of, . . . . .	237
“ Central Baptist, in Salem, changing the Name of Second Baptist Society and the time of their Annual Meeting, . . . . .	14
“ of the Cincinnati of Massachusetts, Resolve on the Petition of, . . . . .	263
“ Congregational, and Church in Marion, Name of the Fourth Congregational Precinct, in Rochester, changed to, . . . . .	46
“ Congregational, in the Second Precinct, in Attleborough, additional to Act incorporating, . . . . .	70
“ Eastern Hampden Agricultural, to incorporate, . . . . .	88
“ Eliot City Mission, of Roxbury, to incorporate, . . . . .	81
“ Female Benevolent, at South Danvers, to incorporate, . . . . .	33
“ Female Medical Education, to change the Name to New England Female Medical College and reorganize the same, . . . . .	115
“ First Baptist, in Lawrence, Name of the Amesbury Street Baptist Society changed to, . . . . .	237
“ First Congregational, of Winchester, Name of South Congregational Society, of Woburn, changed to, . . . . .	7
“ General Charitable, of Newburyport, to incorporate, . . . . .	204
“ Independent Benevolent, in Newburyport, to incorporate, . . . . .	124
“ Ladies' Benevolent, of Newbury, to incorporate, . . . . .	129
“ Ladies' Howard, of Nantucket, to incorporate, . . . . .	147
“ Margaret Coffin Prayer Book, to incorporate, . . . . .	69
“ Massachusetts Homœopathic Medical, to incorporate, . . . . .	162
“ Nantucket Agricultural, to incorporate, . . . . .	15
“ Pilgrim, of Plymouth, Resolve concerning, . . . . .	293

Society for relief of Aged Women in Salem, to incorporate, . . . . .	Page 241
" Second Baptist, in Salem, changing the Name and the time of their Annual Meeting, . . . . .	14
" Salem Charitable Marine, Resolve on Petition of Nathaniel Appleton and others relative to, . . . . .	276
" South Congregational, of Woburn, Name changed and autho- rized to hold Property, . . . . .	7
" Worcester South Agricultural, Resolve in favor of, . . . . .	258
Sohier, William, Cyrus and Hannah P. Mason, Resolve on the Petition of, . . . . .	267
Somerset, Highway and Bridge over Skunk Creek, in the Town of, County Commissioners of Bristol, to lay out and construct, . . . . .	150
Somerville and Cambridge, altering Boundary Line between, and an- nexing portions of each to the other, . . . . .	76
Southbridge, Resolve in favor of the Town of, . . . . .	270
South Berkshire Institute Association, to incorporate, . . . . .	193
" Congregational Society, of Woburn, to change the Name and authorize it to hold Property, . . . . .	7
" Danvers and Danvers, determining the Boundary Line between, . . . . .	151
" " Female Benevolent Society at, to incorporate, . . . . .	33
" " Mutual Fire Insurance Company, Name of the Danvers Mutual Fire Insurance Company changed to, . . . . .	22
" " and Salem, new Boundary Line between established, . . . . .	74
" Eastern District, to fix the Salary of the District Attorney of, . . . . .	201
" Reading Hotel Company, to incorporate, . . . . .	115
" " part of the Town of Stoneham annexed to, . . . . .	48
" Scituate and Hanover, Resolves in relation to Town Lines be- tween, . . . . .	286
Springfield, City of, in addition to Act to establish, . . . . .	89
" and Farmington Valley Railroad Company, to incorporate, . . . . .	93
State Almshouse, at Bridgewater, Resolve in favor of, . . . . .	292
" Almshouses, Resolve in favor of, . . . . .	277
" Bounty, Agricultural Societies which receive, in addition to Act concerning, . . . . .	105
" Farm at Westborough, Resolves in favor of, . . . . .	279
" Hospitals at Rainsford Island and Taunton, Resolve in aid of, . . . . .	275
" House, Offices in, the Council and Legislature, Resolve for the payment of the Contingent Expenses of, for the year 1856, . . . . .	294
" " Repairs and Furniture for, Resolve relative to, . . . . .	268
" " Resolve relative to the Enlargement of, . . . . .	261
" " Resolve for Repairs on, . . . . .	293
" Industrial School for Girls, to change the Name of the State Re- form School for Girls to, . . . . .	31
" " " " " Resolve in favor of, . . . . .	277
" " " " " and the State Reform School for Boys, relating to the support of certain Inmates of, . . . . .	84
" Laws, Resolve concerning the publication of, . . . . .	292

# INDEX.

xxx

State Library, Resolve in relation to, . . . . .	Page 266
" Lunatic Hospitals, establishing Boards of Trustees for, and in addition to Acts concerning Lunatic Hospitals, . . . . .	160
" " " relating to appointment of Trustees of, . . . . .	16
" Normal School-houses at Bridgewater, Westfield, Framingham and Salem, Resolves concerning, . . . . .	280
" Paupers and Alien Passengers, relating to the Board of Commissioners on, . . . . .	230
" " concerning, . . . . .	97
" Prison, Act for the removal of Insane Convicts from in addition to, . . . . .	76
" " Resolve in favor of, . . . . .	288
" " Salary of the Physician and Surgeon, relating to, . . . . .	84
" Reform School for Boys and the State Industrial School for Girls, relating to support certain inmates of, . . . . .	84
" " " " at Westborough, Resolve concerning, . . . . .	291
" " " Girls, additional to Act establishing, . . . . .	33
" " " " to change the Name to State Industrial School for Girls, . . . . .	31
" " " " Resolve in favor of, . . . . .	265
" Tax of \$599,982, to apportion and assess, . . . . .	130
" " Treasurer to borrow Money in anticipation of, . . . . .	279
Statistical Information and Decennial Census, in addition to the several Acts to secure, . . . . .	26
Statutes, Revised, amending the 49th Chapter, respecting the manner of Sureties surrendering their Principals in Bail Bonds, . . . . .	18
Stay or Supersedeas of Executions, in relation to ordering, . . . . .	76
Steamboat Company, Boston and Kennebec, to incorporate, . . . . .	50
Steam-Power Company, Clinton, to incorporate, . . . . .	17
Steamship Company, Boston and New Orleans, to incorporate, . . . . .	146
Stoddard, Isaiah, Resolve in favor of, . . . . .	291
Stoneham, part of the Town of, annexed to South Reading, . . . . .	48
Stoughton, assessment of Taxes for 1854, in the Town of, to legalize, . . . . .	83
Suffolk, Assistant-Attorney for the County of, to establish the office, . . . . .	35
" Register of Deeds for the County of, to provide for the Election, . . . . .	62
" Superior Court of the County of, and the Court of Common Pleas, concerning, . . . . .	245
" Supreme Judicial Court in the County of, establishing the office of Assistant-Clerk, . . . . .	20
Sumner, Honorable Charles, Resolves concerning the recent Assault upon, at Washington, . . . . .	285
Superintendents of Schools, in addition to Act relative to, . . . . .	150
Superior Court of the County of Suffolk and the Court of Common Pleas, concerning, . . . . .	245
Supersedeas of Executions, in relation to ordering, . . . . .	76
Supreme Judicial Court, Assistant-Clerk, in Suffolk County, establishing the office of, . . . . .	20
" " " Salaries of the Justices established, . . . . .	7



Sureties, respecting the manner of surrendering their Principals in Bail Bonds, to amend the 49th Chapter of the Revised Statutes, . . .	Page 18
Surgeon and Physician of the State Prison, in relation to the Salary of, . . .	84
Survey, Scientific, of Boston Harbor, Resolves relative to, . . .	264
Swampscott, Beaches in the Town of, concerning, . . .	127
Swazey, John N., to extend his Wharf, in Lynn, . . .	39

## T.

Taunton Great River, in addition to Act authorizing Benjamin W. Miller to plant Oysters in, . . .	46
“ “ “ in addition to Act authorizing James S. Chace to plant Oysters in, . . .	38
“ and Rainsford Island, State Hospitals, Resolve in aid of, . . .	276
Tax of \$599,982, to apportion and assess, . . .	130
“ State, Treasurer to borrow Money in anticipation of, . . .	279
Taxes, Assessment of, in the City of Lynn in 1853 and 1854, in relation to, . . .	82
“ Assessment of, in the Town of Stoughton for 1854, to legalize, . . .	83
“ Assessment and Collection of, relating to, . . .	154
“ for the several Counties, Resolve granting, . . .	269
Telegraph Company, Boston and Cape Cod Marine, to incorporate, . . .	63
Tewksbury and Caldwell, Resolve on Petition of, . . .	276
Tillinghast, Nicholas, late Principal of the Normal School, at Bridgewater, Resolve in favor of the Widow and Child of, . . .	280
Tisbury, title of certain Lands in, confirmed to Jemima Easton and her Heirs, and other Indians of Deep Bottom, . . .	120
Titicut Academy of Middleborough, to incorporate, . . .	246
Title of certain Lands in Tisbury, confirmed to Jemima Easton and her Heirs, and other Indians of Deep Bottom, . . .	120
Topsfield, Fisheries in Ipswich River in the Town of, to protect, . . .	28
Town Lines between South Scituate and Hanover, Resolves in relation to, . . .	286
“ Officers, Act of 1853, Chapter 283, relating to, repealed, . . .	103
Trade, Boston Board of, Resolve in favor, . . .	280
Treasurer to borrow Money in anticipation of the Revenue, . . .	268
“ to borrow Money in anticipation of the State Tax, . . .	279
“ and Receiver-General to release and quitclaim to Enos Clark, Jr., certain Lands in Northampton, . . .	274
Trees, Shade, concerning the planting of, . . .	190
Tremont Gas Light Company, to repeal Act incorporating, . . .	156
“ Insurance Company, Act continuing, . . .	3
Trinity Church, in Bridgewater, to incorporate the Trustees of the Funds of, . . .	128
Troy and Greenfield Railroad Company, to change location, . . .	153
Truro and Provincetown, Towns of, to construct a Bridge over East Harbor, . . .	220
Trustees of the Brimfield Free Grammar School, to change the Name to the Hitchcock Free Grammar School, . . .	231
“ of the Funds of Trinity Church, in Bridgewater, to incorporate, . . .	128

# INDEX.

xxxiii

Trustees of the Punchard Free School, in Andover, in addition to Act incorporating, . . . . .	Page 39
“ for the State Lunatic Hospitals, establishing Boards of, and in addition to Acts concerning Lunatic Hospitals, . . . . .	160
“ of the State Lunatic Hospitals, relating to the appointment of, . . . . .	16
“ of the Worcester District Methodist Episcopal Church Camp Meeting Association, incorporated, . . . . .	61
Trust Funds, certain, Resolve on Petition of William Greenleaf, to pay over, . . . . .	275
Turnpike Corporation, Norfolk and Bristol, concerning, . . . . .	53

## U.

Unfunded Debt of the Commonwealth, provision made for, . . . . .	151
Union of the Charles River Railroad and the New York and Boston Railroad Companies, confirming, and extending the time for locating and constructing, . . . . .	153
United States Chemical Manufacturing Company, authorized to change their Name and location, . . . . .	38
“ Jurisdiction over certain Lands and Shoals in the City and Harbor of New Bedford, ceded to, . . . . .	51
Universalist Sabbath School Union, to incorporate, . . . . .	6
Uxbridge and Northbridge, changing the Line between the Towns of, . . . . .	80

## V.

Vacancies in School Committees, concerning, . . . . .	51
Venue of Certain Actions, relating to, . . . . .	36
Vermont and Massachusetts Railroad Company, concerning, . . . . .	30
“ “ “ “ addition to Act concerning, . . . . .	148
Votes, Returns of, relating to, . . . . .	189

## W.

Wamsutta Bank, in Fall River, to incorporate, . . . . .	191
Ward, B. C., W. C. Barstow, E. S. Rand and C. C. Gilbert, to extend their Wharf, . . . . .	22, 45
Wareham and Sandwich, for the preservation of Fish in Buzzard's Bay, within the Towns of, . . . . .	102
Warren and Charles River Bridges, Agent authorized to lease a Wharf adjoining Warren Bridge, . . . . .	243
“ “ “ “ concerning, . . . . .	205
Washington, Birthday of, Resolves relative to the observance, . . . . .	258
Waste, to prevent, . . . . .	201
Water, Fitchburg Gas Company to supply the inhabitants of Fitchburg with, . . . . .	113
“ pure, in addition to Act to supply the City of Worcester with, . . . . .	109
Water Works, Cambridge, concerning, . . . . .	221

Webster Institute, in the City of Cambridge, to incorporate, . . .	Page 36
Wellfleet, Selectmen of, to build a Bridge, . . .	114
Wenham, Ipswich River Fisheries in the Town of, to protect, . . .	28
Westborough, State Farm at, Resolves in favor of, . . .	279
West Cambridge, First Congregational Parish in, to enclose their Land, . . .	107
Western Avenue Railroad, to extend the time for constructing, . . .	16
Westfield Academy, an Agricultural Department in, to aid in the estab- lishment of, . . .	83
"    State Normal School-house at, concerning, . . .	280
West Newbury, Second Parish in, to dispose of their Burial Grounds, . . .	43
West Roxbury, Burying Ground in, relative to, . . .	66
"    "    Railroad Company, to incorporate, . . .	116
Wewantitt River, Bridge over, County Commissioners of Plymouth, to lay out a Highway and construct, . . .	90
Wharf, adjoining Warren Bridge, Agent of Charles River and Warren Bridges to lease, . . .	243
"    Augustus C. Carey, to build, . . .	63
"    belonging to the Heirs of George Parkhurst, deceased, David Low, to extend, . . .	112
"    Benjamin H. Breitt and Barnabas S. Young, to build, . . .	112
"    Daniel Crowley, to extend, . . .	28
"    Donald McKay, to build, . . .	236
"    Francis Small, to extend, . . .	37
"    Job T. Wilson, to build, in Fall River, . . .	92
"    John Gary, to extend, . . .	57
"    John N. Swasey, to extend, in Lynn, . . .	39
"    John Pew, to extend, in Gloucester, . . .	30
"    Joseph and Samuel K. Friend, and Frederick Norwood, to ex- tend, . . .	120
"    Luther Drew, to build, . . .	241
"    Shaw Norris, to build, . . .	38
"    W. C. Barston, J. H. Ward, E. S. Rand, and C. C. Gilbert, to extend, . . .	22
"    "    "    "    Ward, E. S. Rand, and C. C. Gilbert, to extend, additional Act, . . .	45
"    Zeno Crowell to build, . . .	44
Wharf Company, Phillipps, to incorporate, . . .	149
Wharves, Albert Barker and Anna Bates, to build and extend, . . .	46
Wheeler, Augustus and Daniel, to Resolve on Petition of, . . .	283
Wile, Hubbard and, to build, . . .	50
Williams House Company, to incorporate, . . .	27
Williston Seminary, in addition to Act incorporating, . . .	162
Wilmington, Resolve in favor of the Town of, . . .	263
Wilson, Job T., to build a Wharf in Fall River, . . .	92
Winchester, First Congregational Society of, Name changed from South Congregational Society of Woburn, . . .	7
Witnesses, parties in Civil Actions enabled to be, . . .	108
Woburn, South Congregational Society, Name changed and authorized to hold Property, . . .	7

# INDEX.

xxxv

Women, Aged, to incorporate the Society for the relief of, in Salem, .	Page 241
" Married, who are insane, authorizing release of Dower in behalf of, . . . . .	94
" New England School of Design for, Resolve in aid of, . . . . .	291
" " " " additional Resolve in aid of, . . . . .	293
Woods, Charlotte A., Guardian, Resolve on Petition of, . . . . .	282
Woodworth's Planing Machine, Resolves relating to, . . . . .	274
Worcester, City of, in addition to Act to supply with pure Water, . . . . .	109
" " to amend an Act in addition to Act establishing, . . . . .	197
" County Mechanics' Association, in addition to Act incorporating, . . . . .	111
" Court of Common Pleas in the County of, to establish additional Terms, . . . . .	236
" District Methodist Episcopal Church Camp Meeting Association, Trustees of, incorporated, . . . . .	61
" Peat Company, to incorporate, . . . . .	128
" Police Court of, concerning, . . . . .	98
" Probate Courts in the County of, in relation to, . . . . .	91
" Rural Cemetery, in addition to Act incorporating the Proprietors of, . . . . .	32
" South Agricultural Society, Resolve in favor of, . . . . .	258
" Young Men's Library Association, in addition to Act incorporating, . . . . .	26
Wright, Ansel, and George F., of Northampton, Deputy-Sheriffs, Resolve in favor of, . . . . .	290
Writs, relating to the Return of, in Civil Actions before Justices of the Peace and Police Courts, . . . . .	48

## Y.

Young, Barnabas S., and Benjamin H. Breitt, to build a Wharf, . . . . .	112
Young Men's Library Association, of Worcester, in addition to Act incorporating, . . . . .	26















